

change of use shall not have occurred

- B. Procedure. Change in Use applications shall be processed and reviewed administratively in accordance with Section 17.07.040. The Community Development Director may choose to refer the application to City Council for decision.
- C. Approval Criteria for Change in Use Applications. A Change in Use Application may be granted for a use in a particular zone provided the following factors are present and confirmed for the new use:
 - 1. The new use has an off-street parking requirement under this Title which is greater than parking available and necessary for the previous use; or
 - 2. The number of vehicle trips generated by the new use is or will be greater than the number of vehicle trips generated by the previous use as determined by the Institute of Transportation Engineers Trip Generation, latest edition; or
 - 3. The amount of stormwater runoff or impervious (to drainage) surface area will be increased with the new use.
 - 4. The amount of wastewater generated by the use will be greater than the previous use.

17.09.050 DENSITY BONUSES.

- A. Generally. The purpose of this Section is to help implement portions of the Fruita Community Plan by providing for residential density bonuses in designated zones tied to the provision of community benefits. This Chapter is intended to promote compatibility between land uses, as well as predictability and fairness in the approvals process, consistent with the Fruita Comprehensive Plan. This Section provides opportunities for development incentives in response to applicants providing community benefits beyond those described herein as baseline standards, encouraging applicants to deliver those amenities without incurring unreasonable economic costs, or driving up housing or consumer costs.
- B. Applicability. The provisions of this section apply to development in the CR, and SFR zone districts, as well as to any PUD. Projects utilizing the provisions of this Chapter are not necessarily required to be processed as a Planned Unit Development. All densities are based on dwelling units per gross acre, as defined in Chapter 17.03.
- C. Process. Density bonus applications shall be processed at the same time and using the same procedure as required for a Major Subdivision, Planned Unit Development, or Site Design Review, as applicable. ~~City Council~~ *The Community Development Director* may preliminarily approve a density bonus, with final approval contingent upon the owner and city executing an Annexation Agreement, Development Agreement, PUD Guide and/or other binding agreement as necessary to ensure compliance with this Title and other city requirements. *The Community Development Director* ~~City Council~~ may approve, deny, or approve with conditions, density bonus applications filed in accordance with this Title.

- D. Criteria. ~~City Council~~ *The Community Development Director* is authorized to grant density bonuses up to ~~a~~ *the* maximum of ~~eight (8)~~ dwelling units per acre in accordance with the following:

Density Bonus Criteria		CR	SFR
Base Density		6.0 DU/acre	4.0 DU/acre
Maximum Density		8.0 DU/acre	5.0 DU/acre
20% Open Space		1 additional DU/acre	1 additional
Bike and Trail Connections		1 additional DU/acre	1 additional
Alley/shared drive access		1 additional DU/acre	Not applicable
Mix of housing types		1 additional DU/acre	Not applicable

1. A minimum of twenty (20) percent of the project designated as parks, trails, open space or common area. The open space or common area must be easily accessible to a minimum of fifty (50) percent of the lots, by being located within a ¼ mile walking shed, and providing a safe sidewalk or trail connection to the space. A conservation easement, or other form acceptable to the City Attorney, shall be required with the first phase or first filling of the subdivision to ensure the space is permanently designated as an open area.
 - a. Open space and common areas shall be a functional part of the project design rather than residual land that is “left over” with no recreational, aesthetic or design importance.
 - b. Narrow (less than thirty-five (35) feet in width) linear strips of land should not be counted toward the open space or common area requirement.
 - c. Open space or common areas may be developed or undeveloped, active or passive. Areas may include stormwater detention and retention basins if the design of the basin is integral to the open space or common area, is separately managed by the association, and is at a grade of 15% or less. In addition, washes, streams or other natural features should be included and incorporated into open space or common area.
 - d. Open space or common areas shall be visible from the street and add to the quality of the neighborhood and shall be accessible to all dwelling units within the development. Open space and common area surrounded by dwelling units with no access to an adjacent street is prohibited.
 - e. Open space or common areas may contain private recreation amenities including but not limited to: plazas, courtyards, community garden, basketball/tennis/pickleball courts, clubhouses or community greenhouses.
 - f. Open space or common areas shall be grouped contiguously with open space or common areas from adjacent developments, where possible.

2. The project includes an internal trail network, a continuation of an existing trail network, or the continuation of a bike lane system internal to the project and along adjoining rights-of-way. The bike and trail amenities must be at least 500 feet of linear length to qualify for this bonus. On-site trails and/or sidewalks shall be extended to existing off-site trails, sidewalks or parks if the extension is less than two hundred (200) feet in length. An easement, or other form acceptable to the City Attorney, shall be required with the first phase or first filling of the subdivision to ensure the space is permanently designated as a trail.
 - a. Walkways, trails and other forms of pedestrian access shall form an interconnected system serving as access to open space, common area and other pedestrian destinations.
3. Access to required parking and/or garages of a minimum of eighty (80%) percent of the proposed dwelling units is by alley or shared drive. For purposes of this Section, a shared drive must serve a minimum of four (4) dwelling units.
4. A mix of housing types are proposed with a minimum of twenty (20%) percent of the dwelling units being single- family attached, duplexes and/or multi- family units. The unit types shall be dispersed within the development, and a site plan shall be recorded to ensure that the final buildout reflects representations in the density bonus review.

17.09.60 SHORT TERM RENTALS

- A. Purpose. The purpose of this section is to establish procedures and standards to allow Short-Term Rentals in certain zone districts in the City pursuant to a permit and to provide regulations to assist in protecting the health, safety, and welfare of property owners, neighbors, and occupants. It is the City's intent to establish Short-Term Rental regulations that promote opportunities to support the local economy and protect the long term residential character of Fruita's neighborhoods.
- B. Applicability and Prohibitions.
 1. A Short-Term Rental application is required for any Short-Term Rental located in the City of Fruita, as permitted based on the Land Use/Zoning Table in Section 17.05.090 of this Title. A Short Term Rental Permit is required for each individual dwelling unit.
 2. Private covenants running with the land may restrict or prohibit Short-Term Rentals or similar types of uses. It is the responsibility of the property owner, not the City, to ensure compliance with restrictive covenants.
 3. It shall be unlawful for any person, whether a principal or agent, clerk or employee, either for him or herself, or for any other person for anybody, corporation or otherwise, to lease or operate a Short-Term Rental without first obtaining a Short Term Rental Permit in accordance with the provisions and procedures of this Section.