

TITLE 17 LAND USE CODE

Chapter 17.01
GENERAL PROVISIONS

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17.01.010 TITLE.

Title 17 of the Fruita Municipal Code shall be known and may be cited as the Fruita Land Use Code, as amended.

17.01.020 PURPOSE.

- A. The purpose of this Chapter of the Fruita Municipal Code is to promote and protect the health, safety, and welfare of the citizens of the City through the establishment and enforcement of comprehensive, efficient, clear and consistent standards, regulations, and procedures for the planning, evaluation, approval and implementation of land uses and development within the City of Fruita.
- B. This Title is adopted in accordance with the City of Fruita Comprehensive Plan and is designed to:
 - 1. Lessen congestion in streets, avoiding an excessive amount of streets, facilitating traffic circulation, and minimizing conflicts between vehicular, bicycle and pedestrian traffic;
 - 2. Secure safety from fire, flood and other dangers;
 - 3. Provide adequate light and air;
 - 4. Protect and enhance the city's tax base;
 - 5. Secure economy in governmental expenditures;
 - 6. Foster business and economic development;
 - 7. Protect both urban and non-urban development and conserving the value of property;
 - 8. Prevent the overcrowding of land and avoiding undue concentration of population;

9. Separate incompatible uses and densities so as to avoid negative impacts of uses on each other;
10. Provide for a variety of housing and neighborhood types and densities and a range of housing costs;
11. Facilitate adequate provision of transportation, water, wastewater, schools, parks, recreation and other public services and utilities;
12. Avoid the effects of public nuisances; such as, noxious odors, fumes, air pollution, visibility impairment, noise and potential hazards such as fire, explosion, irradiation, chemical and nuclear pollution;
13. Ensure that new growth and development does not result in an economic burden to existing residents and taxpayers;
14. Ensure that the negative impacts resulting from new development, both onsite and offsite, are appropriately mitigated; and
15. Ensure that adequate provisions are made for infrastructure and services to new development including, but not limited to the following:
 - a Water service
 - b Wastewater service
 - c Natural gas service
 - d Electric service
 - e Communications service
 - f Cable service
 - g Parks and recreation
 - h Open space
 - i Irrigation

17.01.030 AUTHORITY.

- A. The provisions of this Title were originally adopted and became effective on March 27, 1995 and have been amended over time. This amended Title was adopted on October 19, 2021 and became effective on November 19, 2021.
- B. This Title is intended to incorporate and implement, without limitation, all legal power and home rule authority vested in the City under Article XX of the Colorado Constitution, the Home Rule Charter of the City of Fruita, and all land use and zoning regulatory power statutorily delegated to local and municipal governments by the General Assembly through the Colorado Revised Statutes.
- C. Whenever any provision of this Title refers to or cites a section of the Colorado Statutes and that section is later amended or superseded, this Title shall be deemed amended to refer to the amended section or most closely corresponding superseded section.
- D. This Title shall be applicable within the boundaries of the city.
- E. In addition to other locations required by law, a copy of a map showing the boundaries of the city shall be available for public inspection in the Community Development

Department.

17.01.040 APPLICABILITY.

- A. Except as otherwise specifically provided, the provisions and requirements of this Land Use Code shall become effective on the effective date of adoption, and shall be applicable to all developments, subdivisions or uses of land commenced within the city after said date. Any ordinance amending this Title shall become effective thirty (30) days following publication, unless otherwise specified in said ordinance, and shall be applicable to all developments, subdivisions or other uses of land commenced within the city after said date.
- B. Unless specifically exempted from its terms, no development of land or land uses shall be undertaken without first having been reviewed and approved, consistent with the provisions of this Title.
- C. The use of property may not be substantially changed; substantial clearing, grading, or excavating may not be commenced; and buildings, fences, or other substantial structures may not be constructed, erected, moved, or substantially altered except in accordance with the requirements of this Title.
- D. Physical improvements to land to be subdivided may not be commenced except in accordance with approval by the City Council or after the completion of all requirements as certified by the Community Development Director and City Engineer.
- E. This Title shall apply to the activities of all public and governmental entities, agencies and districts, whether federal, state, county, or municipal, to the extent permitted by law.
- F. Except as otherwise provided herein, the provisions and requirements of this Land Use Code shall be deemed minimum requirements and stricter provisions may be imposed when the Planning Commission or City Council find such provisions to be necessary to promote the purposes and provisions of this Title.
- G. Upon submittal of a land development application as provided in this Land Use Code, the applicant expressly accepts the time schedules for review as set forth herein and waives any right to any other time schedule for review.
- H. If any provision of this Land Use Code conflicts with other provisions of the Fruita Municipal Code, the provisions of this Title shall control and take precedence.
- I. The City Council may temporarily suspend the operation and applicability of any provision of this Title in accordance with the Home Rule Charter in the event of a natural or man-made disaster or catastrophe.

17.01.050 ADMINISTRATION.

- A. Except as otherwise specifically provided, primary responsibility for administering and enforcing this Title is maintained by the Community Development Director. The Community Development Director may assign responsibility for administering and enforcing this Title to one or more individuals.
- B. The Community Development Director shall serve as the administrative head of the Community Development Department. The Community Development Director, City

Manager, and Mayor are authorized to sign plats indicating approval for plat, as may be required in this Title.

17.01.060 RELATIONSHIP TO CITY COMPREHENSIVE PLAN.

It is the intention of the city that this Title implement the planning policies adopted by the City Council in the Fruita Comprehensive Plan, and other planning documents. While the City Council reaffirms its commitment that this Title and any amendments thereto be in general conformity with adopted plans and other planning studies, the City Council hereby expresses its intent that neither this Title nor any amendment thereto may be challenged on the basis of any alleged nonconformity with any planning document, unless otherwise provided by law.

17.01.070 RELATIONSHIP TO OTHER STATE, FEDERAL, AND LOCAL PROVISIONS

- A. The provisions of this Title are the same in substance as previously adopted provisions in the City's zoning, subdivision, or flood control ordinances, and shall be considered as continuations and new enactments thereof, unless otherwise specifically provided. For example, if a land use did not constitute a lawful nonconforming use under a previously-adopted zoning ordinance, such use does not achieve lawful nonconforming status under this Title merely by the repeal of the previous zoning ordinance.

- B. This Title is not intended to repeal, abrogate, annul or in any way impair or interfere with existing laws or ordinances when there is no conflict between them. This Title is not intended to repeal, abrogate, annul or in any way impair or interfere with restrictive covenants running with any land to which the city is a party. In situations where this Title imposes a greater restriction upon land, building, or structure than was imposed or required by existing provisions of law, ordinance, contract, or deed, the provisions of this Title shall supersede.

17.01.080 GENERAL RULES OF INTERPRETATION.

- A. Meaning and Intent.
 - 1. Except as otherwise provided in this Title, the words, terms and phrases used in the Title shall be construed according to the plain meaning of such words, terms and phrases in their common and approved usage, with a view to effect the objects and purposes of the ordinances and to promote justice.
 - 2. If words, terms or phrases are specially defined in a chapter or section of this Title, that special definition shall govern the construction of such words, terms or phrases.
 - 3. If technical words, terms or phrases used in this Title have acquired a peculiar and appropriate meaning in the law, such words, terms or phrases shall be construed to give effect to that peculiar and appropriate meaning.

- B. Grammatical Interpretation.
 - 1. Words used in the present tense include the future tense, whenever appropriate within the context.

2. Words used in the singular number include the plural. Words used in the plural include the singular, unless the context of the specific usage clearly indicated otherwise.
3. Words used in the masculine gender include the feminine gender, and words used in the feminine gender include the masculine gender.

C. Mandatory and Discretionary Terms.

1. The words “shall,” “must,” and “will” are mandatory, establishing a duty or obligation to comply with the specific provision.
2. The words “shall not,” “must not,” and “will not” are mandatory, establishing a prohibition against acting.
3. The words “may,” and “should” are permissive.

D. Conjunctions. Unless context clearly suggests otherwise, conjunctions shall be interpreted as follows:

1. “And” indicated that all connected terms, items, condition, provisions, or events apply.
2. “Or” indicated that one or more of the connected terms, items, conditions, provisions, or events apply.

E. Text Controls.

1. In the event of a conflict or inconsistency between the text of this Title and any illustration, figure, table, heading, caption, or map, the text shall control.
2. Unless otherwise specifically indicated, lists or items or examples that use terms such as “for example,” “including,” and “such as,” or similar language are indented to provide examples and are not an exhaustive list of all possibilities.

F. Computation of Time.

1. Unless otherwise specifically provided, the time within which an act is to be done shall be based on calendar days and shall be computed by excluding the first and including the last day.
2. Unless otherwise specifically provided, whenever a person has the right or is required to do some act within a prescribed period after the service of a notice or other paper upon him and the notice or paper is delivered by mail, three (3) days shall be added to the prescribed period.

17.01.090 SEVERABILITY

It is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses, or phrases of this Title are severable, and if any such section, paragraph, sentence, clause, or phrase is declared unconstitutional or otherwise invalid by any court of competent jurisdiction in a valid judgment or decree, such unconstitutionality or invalidity shall not affect any of the remaining sections, paragraphs, sentences, clauses, or phrases of this Title, since the same would have been enacted without the incorporation into this Title of such unconstitutional or invalid section, paragraph, sentence, clause or phrase.