

CHAPTER 17.11
GENERAL DEVELOPMENT STANDARDS

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17.11.010 Design Standards and Specifications

The following standards and regulations are applicable to all projects requiring approval under the provisions of this Title:

- A. Street, Road and Bridge Standards. The publication entitled “City of Fruita Design Criteria and Construction Specifications” (latest edition) shall apply to developments in all zones, except that standards and specifications published by the Colorado Department of Transportation shall apply to all State highways in all zones.
- B. Drainage and Storm Water Management. The publications entitled, “Mesa County Storm Water Management Manual” (latest edition), “City of Fruita Design Criteria and Construction Specifications” (latest edition), and all building codes adopted pursuant to Title 15 of the Fruita Municipal Code shall apply to developments in all zones.

Each business, commercial, or industrial development is required to meet or exceed the standards of the City of Fruita, Colorado Department of Public Health and Environment and the U.S. Department of Environmental Protection Agency with regard to water pollution control, stormwater control, and storm water management. It is the property owner’s or applicant’s responsibility, as applicable, to ensure compliance with state and federal regulations.

- C. Wastewater. Industrial pretreatment may be required for industries with certain liquid wastes as defined by the City of Fruita, Colorado Department of Public Health and Environment, and the US Environmental Protection Agency. All businesses and industries shall meet or exceed the requirements of the Fruita Municipal Code.
- D. Buildings and Structures. All buildings and structures in all zones shall comply with all

building codes adopted pursuant to Title 15 of the Fruita Municipal Code.

- E. Other Design Standards and Construction Specifications. All other development in all zones shall comply with the publication entitled “City of Fruita Design Criteria and Construction Specifications” (latest edition), and all building codes adopted by the city.
- F. Conflicting Provisions. When conflicts exist between adopted codes and standards, or between adopted codes and standards and project-specific “approved for construction” drawings and specifications, the most restrictive provision shall apply. Where the City of Fruita has approved construction drawings for a project, unless superseded by state or federal law, the project-specific “approved for construction” drawings and specifications shall control, followed by written criteria, or specifications published by other entities. Where local City of Fruita documents are silent, the most stringent external standard or specification shall apply.

17.11.020 Exceptions to Lot Area and Dimensional Standards

Lot area and dimensions shall conform to the Schedule of Density and Dimensional Standards Tables per zone district, except as amended by the design standards of Chapter 13 of this Title, PUD zoning as per Chapter 19 of this Title, and as follows:

- A. Minimum frontage. All residential lots, including cul-de-sac lots where vehicle access is provided from the abutting street, shall have a minimum street frontage width of twenty-eight (28) feet excluding areas set aside for utility pedestal installations. Flag lots and or lots with shared driveways are permitted to have less than twenty-eight (28) feet of street frontage as determined through the subdivision review process and as per Section 17.20 of this Title.
- B. Utility Facilities. Electric substations, telephone switching facilities, irrigation structures, and similar limited impact facilities shall be permitted to occupy a lot area smaller than that provided for in these regulations provided such facilities are properly screened and buffered from surrounding properties and the street.

17.11.030 Height Exceptions and Permitted Setback Encroachments.

- A. Height limits do not apply to any: chimney; spire; bulkhead,; elevator; water collection, recirculation, or storage system; geothermal heating system; solar photovoltaic equipment; wind turbine; belfry; cupola; windmill; antenna; or any similar structure or necessary mechanical appurtenance not designed for occupancy extending above the roof line, provided such structure does not extend more than ten (10) feet above the highest roof line and does not exceed more than ten (10) percent of the area of the roof where it projects more than four (4) feet above the highest roof plane. Light poles, flag poles, and similar structures not attached to a building are permitted to be no taller than the maximum height in the zone in which it is located.

- B. Building setback encroachment of up to three (3) feet is permitted for chimneys, roof eaves, bay windows and similar features that do not contain inhabitable floor space, stairways not to exceed six (6) feet in height or raised decks not to exceed three (3) feet in height, provided that minimum clearance of three (3) feet is maintained between the structure encroachment and all property lines and provided adequate space is reserved to comply with storm water drainage requirements.

17.11.040 Fences.

The purpose of this Section is to ensure fences erected within the city do not impede traffic safety, do not conflict with applicable codes, and impose no deleterious effect on any neighborhood. A Planning Clearance shall be required before erecting, moving or altering a fence in the city. Fences shall conform to the following requirements:

- A. No fence shall be erected in such location upon any lot or property in a manner constituting a traffic hazard because of obstruction of view. The City of Fruita Design Criteria and Construction Specifications Manual and the City of Fruita Land Use Code shall be used as the criteria for determining compliance. No fence shall be constructed to within four (4) feet of or prevent access to any fire hydrant, utility pedestal, vault, cabinet, or similar feature.
- B. Fences shall be constructed of durable materials, which may include but are not limited to, wire (e.g., chain link), vinyl-coated wire, wrought iron, wood, extruded plastic (e.g., from fence manufacturer), and other materials similar in appearance and durability. Unacceptable materials that are visible to the public include: glass, tires, razor wire, barbed wire and/or concertina wire, junk, and any material that presents a public health or safety hazard. The prohibition on razor wire, barbed wire, concertina wire and similar wire fences does not apply to the Industrial zone provided that not more than three (3) strands of barbed wire atop a fence is allowed and are not counted in the height calculation. Electric and barbed wire fencing is allowed in zones which allow large animals (such as horses, cows and sheep) only when properly installed and necessary to contain large animals.
- C. There shall be no fence or wall erected which exceeds six (6) feet in height (except as permitted in subsection 7 below), as measured from the natural grade, except where the city has approved construction of a retaining wall; the height of the retaining wall shall not be included in the height of the fence. An increase of up to two (2) inches is allowed when spacing for drainage under a fence is needed. The Community Development Director may approve an increase in fence or wall height where a unique feature of the property or a permitted use warrants such an increase and the increase is not detrimental to surrounding public or private properties.
- D. Except as allowed for corner lots, fences in the required front yard setback shall not

exceed thirty-six (36) inches in height; such fences may be increased to forty- eight (48) inches maximum height if the fence material is at a ratio of not less than half open space to half closed space for every square foot for that part of the fence extending above thirty-six (36) inches in height. Examples of fence types that would typically comply include: chain link, picket, split rail, and similar fences.

- E. On corner lots, solid fences up to six (6) feet in height within a street side setback may be permitted only on the frontage that does not contain a driveway, and provided the fence conforms to the required clear sight triangle.
- F. Fences in excess of six (6) feet shall comply with applicable building codes and all required setbacks for primary buildings, as applicable. Fences in Industrial zones may exceed six (6) feet as provided for in subsection 3 above.
- G. Fences in zones which permit a zero building setback must meet design standard requirements of Chapter 11 of this Title.
- H. Where a fence is proposed in conjunction with a development or change in use, the location, height, materials, and detailing of the fence may be subject to other requirements or limitations to ensure consistency with the purposes of this Title.
- I. All fences shall be properly maintained by the owner so as to not become a public nuisance or hazard.

17.11.050 Landscaping Requirements and Irrigation.

- A. For single-family and duplex dwelling units with a front yard, at least one (1) tree in the front yard is required to be planted and maintained within six (6) months of issuance of a Certificate of Occupancy.
- B. Except for development subject to Urban Center Design Standards of Chapter 13 of this Title, no less than ten (10) percent of a lot or parcel developed for multi- family or non-residential land uses must be landscaped. At least half of this landscape must be provided on the front half (street sides) of the development unless the front setback is permitted to be, and will be, fifteen (15) feet or less, in which case the required landscaping may be located anywhere on the property provided all other requirements are met. Landscaping must include at least one (1) small tree for every five hundred (500) square feet, one (1) medium tree for every one thousand (1,000) square feet, or one (1) large tree for every 1,500 square feet of landscaped area along with two (2) shrubs for every tree and appropriate groundcover. Landscaping, in addition to the minimum ten (10) percent may be required for parking lots containing more than fifteen (15) car parking spaces and/or for buffering and screening purposes as deemed necessary to comply with compatibility requirements of Section 17.05.080.C and/or parking lot landscape requirements of Chapter 17.37 of this Title.

- C. For large industrial land uses with significant amounts of outdoor storage and/or operations, the outdoor storage/operation area(s) are not required to be used in the calculation of the minimum 10% landscaping required.
- D. Landscape improvements must follow the landscaping requirements of the Appendix of the Fruita Land Use Code including quality, size, type, planting, and location considerations. Landscaping required to be installed to meet the minimum requirements of this Title (including conditions of approval on a land development application) must be maintained to continue to meet the minimum requirements of this Title.
- E. The types of trees and other vegetation to be planted within public right-of-ways will be determined by the decision-making body (Community Development Director or City Council) based on the requirements of the Appendix of the Land Use Code.
- F. Irrigation water. Irrigation water must be provided to new developments when landscaping is required and must be used for required landscape areas where irrigation water is legally and physically available. A minimum of one and one half (1 ½) to two (2) shares of irrigation water per irrigated acre is required to be provided. See the City of Fruita Design Criteria and Construction Specifications Manual for more information.

17.11.060 Storage of Vehicles and Similar Equipment on Residential or Agricultural Property.

- A. For the purposes of this section, "vehicle" is defined as any automobile, truck, tractor, or other machinery of any kind, including every device in, on, or by which any person or property is or may be transported or drawn upon a public highway, road or street, excepting devices moved by human power or used exclusively upon stationary rails or tracks.
- B. Trailers, airplanes, boats, recreational vehicles, travel trailers, campers and similar items may be stored on property used mainly for residential purposes as long as the storage is at least ten (10) feet from public right-of-way, excluding alleys. Storage, as used in this subsection, means the location of the above-mentioned items for more than forty-eight (48) hours during any seven (7) day period.
- C. It shall be unlawful to store or otherwise have, maintain or allow on a single parcel of land in the City of Fruita more than one (1) non-farm vehicle not having current Colorado license plates or registration unless the vehicle is in an approved junkyard or other similar use where such vehicle storage is permitted. Such vehicle must be stored within an enclosed building or stored behind the front plane of the house or other primary building on the property.
- D. There shall be no limit on the number of active or serviceable agricultural vehicles on a parcel of land, regardless of whether such vehicles have current registration or license plates; however, the restrictions of one (1) vehicle per parcel of land shall apply to agricultural vehicles which are clearly abandoned or which are not in their present condition suitable for active agricultural use.

- E. Work vehicles exceeding one-ton capacity, other heavy-duty vehicles or heavy equipment not typically associated with a residential use shall not be stored on property under two acres in size and used or zoned primarily for residential purposes except for deliveries or for construction or maintenance work to be done at the site. The number of such oversized vehicles stored on the property is limited to two per lot and must be stored behind the front plane of the house and meet primary building setbacks. Storage, as used in this subsection, means the location of the above-mentioned items for more than forty-eight (48) hours during any seven (7) day period.

17.11.070 Wood Burning Stoves, Fireplaces, Gas Log Fireplaces and Pellet Stoves

- A. Purpose: Air pollution in the Fruita area has become an issue of concern and has been documented by the Mesa County Health Department and the Mesa County Air Quality Planning Committee. It has been found that a major contributor to the air pollution problem in the Grand Valley is the widespread use of wood stoves and fireplaces that do not have air pollution control devices.
- B. Devices Prohibited: New dwellings and remodeled portions of existing structures shall not contain wood burning stoves, fireplaces, coal burning or similar heating devices not approved by the U.S. Environmental Protection Agency (EPA).
- C. Devices Allowed: Only EPA approved natural gas fireplaces, EPA approved pellet stoves, and EPA approved wood burning stoves and fireplaces shall be allowed in new or remodeled structures.

17.11.080 Outdoor Storage, HVAC Equipment and Other Service Functions

Outdoor storage, HVAC equipment and other service functions must be incorporated into the overall design of the building and landscaping plan. Views of these areas shall be screened from visibility from abutting public rights-of-way and the ground floor of abutting residential land uses. These requirements do not apply to single family or duplex dwelling developments.

17.11.090 Waste Storage

Every use shall provide for enclosed solid waste storage, sorting, and recycling facilities, as applicable. Such facilities shall be oriented away from building entrances, setback at least ten (10) feet from any public right-of-way and screened from view of all public rights-of-way (with the exception of alleys) and abutting land uses by locating them inside buildings (as practical), or by placing them behind a sight obscuring fence, wall, landscaping, or combination thereof. The storage of oils, chemicals, wastewater and other liquid contaminants must be stored and contained in structures approved by the U.S. Environmental Protection Agency (EPA) and the Colorado Department of Public Health and Environment to prevent them from leaking.

17.11.100 Repair, Painting and Similar Uses

For non-residential land uses, all repair, painting, bodywork, and similar activities, including the storage of refuse and vehicle parts, must take place within an enclosed structure (surrounded by walls and a roof). Residential land uses must meet all other city requirements regarding such uses.

17.11.110 Dust, Noise, Odor

Each business, commercial, or industrial development is required to meet or exceed the standards for dust, noise and odor, as adopted by the City of Fruita, Mesa County Health Department, state law, the Colorado Department of Public Health and Environment and the U.S. Environmental Protection Agency.

17.11.120 Outdoor Lighting

- A. Street lighting shall be required for all new developments. All intersections shall be illuminated. If there is more than six hundred (600) feet between intersections, additional lighting shall be installed between intersections. Where a new street intersects with an existing street that is not illuminated, the developer will be responsible for the cost of illuminating such intersection. The local electric service provider and the City of Fruita must approve street lighting plans.
- B. The following regulations shall apply to all new outdoor lighting on private land:
 - 1. All fixtures shall be fully shielded. For purposes of this subsection, fully shielded shall mean fixtures constructed so that light rays emitted are projected below, and not above, the horizontal plane of the fixture.
 - 2. Lighting shall be downcast and so placed as to prevent the light rays or illumination from being cast beyond property lines.
 - 3. The maximum height of pole lights shall not exceed thirty-five (35) feet in height. The maximum height of lights attached to a building shall not exceed twenty (20) feet in height. Lights required by other government agencies for safety purposes, such as Federal Aviation Administration requirements for lights on certain tall structures, are exempt from these standards.
 - 4. Total outdoor light output shall not exceed the limits set in the table below. Lighting District 1 refers to urban and downtown areas, and commercial and industrial activity centers. Lighting District 2 refers to residential areas, and commercial and industrial activity primarily surrounded by residential land uses. Lighting District 3 refers to rural and agricultural areas, and small commercial or industrial activities primarily surrounded by rural or agricultural areas.

Maximum Total Lumen Output Standards			
	LD1	LD2	LD3
Commercial and Industrial Zoning (per acre)	300,000	200,000	100,000
Residential Zoning (per lot)	30,000	20,000	10,000

5. Gas fired fixtures and lights used for holiday decorations are exempt from the requirements of this subsection.

Chapter 17.11.130 ANIMAL REGULATIONS

- A. **ANIMALS.** Notwithstanding any other provision of the Fruita Municipal Code to the contrary, and with the exception of duly permitted zoos or circuses, no person shall own, possess, harbor, maintain or keep household animals, agricultural animals, exotic animals, or other animals that become a neighborhood nuisance because of noise, odor, or a threat to the health and safety of surrounding residences, and commercial and industrial establishments. A nuisance, for the purpose of this Section, shall be defined as a property for which the City receives three (3) or more animal complaints supported by competent evidence in a one (1) month period of time and which establishes a continuous neighborhood problem of noise, odor or a threat to safety.
- B. **NUMBER OF DOGS AND CATS PERMITTED.** The total number of dogs and cats on a single parcel shall not exceed four (4). Puppies and kittens of up to three (3) months in age shall be allowed to exceed this number.
- C. **FRUITA ANIMAL RESTRICTIONS BY ZONE DISTRICT.** The following restrictions by zone apply to all animals which are kept as an accessory use to the main use of the property. See Chapter 17.05 for allowed uses, such as kennels, veterinary clinics, agricultural land uses, and others where the keeping of animals is part of the primary use of the property.

Animal densities refer to any combination of a particular category which add up to the total number allowed in each zone; e.g. two (2) dogs and two (2) cats, or one (1) dog and three (3) cats, or four (4) dogs, etc. are allowed for a dwelling unit in the Community Residential zone. (See also Fruita Municipal Code Section 6.04.010, et seq.)

Animal densities calculated by animals per dwelling unit are permitted cumulatively; e.g. four (4) dogs, two (2) rabbits, and one (1) snake are allowed per dwelling unit in the Community Residential zone.

Animal densities calculated by animals per acre are not permitted cumulatively; e.g. two (2) horses and sixteen (16) goats would not be permitted on a two (2) acre lot in a Rural Estate zone but one (1) horse and eight (8) goats or two (2) horses and no goats would be permitted.

<u>ZONE</u>	<u>Rural Estate, Monument Preservation, & Community Services and Recreational (RE, MP & CSR)</u>	<u>Community Residential, Large Lot Residential, Downtown Mixed Use & South Fruita Residential (CR, LLR, , DMU & SFR)</u>	<u>Commercial-1, Commercial-2, & Industrial (C-1, C-2& I)</u>
<u>ANIMAL CATEGORY</u>			
Cats, dogs	4 per dwelling unit no limit on kittens & puppies up to 3 months old	4 per dwelling unit no limit on kittens & puppies up to 3 months old	4 per dwelling unit no limit on kittens & puppies up to 3 months old
Horses, cows, llamas, mules, buffalo, ostrich, emus	No limit except on parcels of land less than 10 acres, then 1 per acre	Conditional Use Permit required, then 1 per acre	Conditional Use Permit required except on parcels of 35 acres or more in which case no limit
Goats, sheep, pigs, potbellied (miniature) pigs, miniature horses	No limit except on parcels of land less than 10 acres, then 8 per acre	Conditional Use Permit required except on parcels of 35 acres or more in which case no limit	Conditional Use Permit required except on parcels of 35 acres or more in which case no limit
Chickens (excluding roosters)	No Limit	6 chickens per dwelling unit with a maximum of 12 chickens per lot. More than these numbers require a Conditional Use Permit for parcels of land less than 35 acres in size.	6 chickens per dwelling unit with a maximum of 12 chickens per lot. More than these numbers require a Conditional Use Permit for parcels of land less than 35 acres in size.
Ducks, turkeys, pigeons, small birds (except chickens and roosters)	No limit	Conditional Use Permit required except on parcels of 35 acres or more in which case no limit	Conditional Use Permit required except on parcels of 35 acres or more in which case no limit
Rabbits, chinchillas, small animals	No limit	4 per dwelling unit except on parcels of 35 acres or more in which case no limit	4 per dwelling unit except on parcels of 35 acres or more in which case no limit
Non-domestic exotic animals, birds, reptiles ¹	4 per dwelling unit: must be kept indoors	4 per dwelling unit: must be kept indoors	4 per dwelling unit: must be kept indoors

¹ Notwithstanding this section, it shall be unlawful for any person to own, possess, or harbor any of the animals described in Section 6.18.010 of the Municipal Code.