

**ORDINANCE 2011-14**

**AN ORDINANCE AMENDING CHAPTERS 3 - DEFINITIONS, CHAPTER 4 - LAND USE CATEGORIES, AND CHAPTER 7 - ZONING, USES AND GENERAL REQUIREMENTS, OF THE FRUITA LAND USE CODE TO ALLOW UP TO EIGHT CHILDREN IN A HOME BASED CHILD CARE CENTER WITHOUT A CONDITIONAL USE PERMIT AND TO ALLOW CERTAIN TYPES OF OUTDOOR STORAGE IN THE LIRD ZONE WITHOUT A CONDITIONAL USE PERMIT AND OTHER AMENDMENTS. (Project #2011-11)**

**WHEREAS**, staff has been reviewing the Land Use Code to address concerns with the number of children permitted in home based child care centers and outdoor storage issues in the Limited Industrial & Research & Development (LIRD) zone, and

**WHEREAS**, there is a need to clarify certain other aspects of the Land Use Code regarding these and other land uses, and

**WHEREAS**, the Fruita Planning Commission held a public hearing on July 12, 2011, and recommended approval to the Fruita City Council, and

**WHEREAS**, a public hearing was held before the City Council on August 2, 2011, regarding these proposed amendments to the Land Use Code.

**NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FRUITA COLORADO THAT:**

Section 1: Chapter 17.03 of the Land Use Code is amended to read as follows:

**Chapter 17.03**  
**BASIC DEFINITIONS AND INTERPRETATION**

Words contained in this Chapter are those having a special meaning relative to the purposes of this Title. Words not listed in this Chapter shall be defined by reference to a published standardized dictionary. Words used in the singular include the plural and words used in the plural include the singular.

**201 PLAN.** A regional plan for wastewater collection and treatment to prevent pollution of the State's water.

**ABUTTING PARCELS.** Parcels which are directly touching and have common parcel boundaries. Parcels separated by a public right-of-way are not considered abutting, but would be adjacent.

**ACCESS PERMIT.** A permit obtained from the City of Fruita, Mesa County, or the State of Colorado allowing access to a public street, road or highway.

**ACCESSORY DWELLING UNIT.** Also known as granny flat, elder cottage or accessory apartment. A separate self-contained dwelling unit including a separate kitchen and bathroom, which is located on the same parcel or lot but is secondary to a principal dwelling unit . An accessory dwelling unit may be attached to the principal dwelling unit or detached in an accessory structure.

**ACCESSORY STRUCTURE.** A detached subordinate structure, the use of which is customarily incidental to, and supportive of, the principal structure or the principal use of land, and which is located on the same parcel of ground with the principal structure or use.

**ACCESSORY USE.** A use conducted in conjunction with a principal use of a property and constitutes an incidental or insubstantial part of the total activity that takes place on the lot or is commonly associated with the principal use and integrally related to it.

**ADJACENT.** For purpose of this Land Use Code, shall mean surrounding property or use, any portion of which is within a three hundred and fifty (350) foot radius.

**ADMINISTRATIVE DECISION.** Any decisions regarding a land development application or development issue made by the Community Development Director, City Engineer or City Manager pursuant to this Title. The City Manager retains the final authority in administrative decisions.

**ADMINISTRATOR.** The Community Development Director as selected by the City Manager to serve within the Fruita Community Development Department.

**AFFORDABLE HOUSING UNIT.** Affordable housing unit is a low/moderate income housing unit which is financially sponsored by a government finance agency and/or which is developed or sponsored by a private non-profit affordable housing agency such as Housing Resources of Western Colorado, Habitat for Humanity, Family Health West, the Grand Junction Housing Authority, or any other entity or agency, as determined by the Fruita City Council.

**AGRI-BUSINESS.** A business and/or commercial use operated primarily for the support of agricultural needs. It may consist of products, materials, and equipment servicing and sales; storage and/or processing of agricultural products and/or animals; medical and/or technical support services.

**AGRICULTURAL PRODUCE.** Fruit, vegetables, eggs and honey prior to processing of any kind other than washing. Canned fruits or vegetables, preserves, wine, meat and dairy products shall not be considered agricultural produce for the purposes of this Title.

**ALLEY.** A service road providing a secondary means of public access to abutting property and not intended for general traffic circulation.

**ALTERATIONS TO HISTORIC SITE.** Any proposed modification to a designated historic site, structure or district which could have an affect on the character of the historic resource relative to the criteria by which it was designated. Examples of alterations to structures may include additions, any exterior modifications, including signage to be affixed to the facade, and any interior modifications that may affect the characteristics for which the structure was designated.

**ANIMAL CLINIC.** Facility used for the medical care and treatment of animals under the supervision of a licensed veterinarian with no outdoor accommodations for animals.

**ANIMAL HOSPITAL.** Facility used for the medical care and treatment of animals under the supervision of a licensed veterinarian with outdoor accommodations for animals.

**ANIMALS, AGRICULTURAL.** Those animals commonly associated with agricultural use; such as, cattle, horses, mules, burros, pigs, sheep, goats, rabbits, chickens, ducks and geese, whose primary value is commercial rather than personal enjoyment.

**ANIMALS, HOUSEHOLD.** Those animals which are commonly kept as pets, whose primary value is personal enjoyment. These animals shall not be raised for commercial purposes and shall be limited to common species whose presence in the neighborhood does not arouse unusual community odor, noise, health, interest or curiosity sufficient to attract the community residents to a specific neighborhood.

**ANIMALS, OTHER.** Those animals not defined as household animals or agricultural animals or exotic animals.

**ANNEXATION.** The process of incorporating an unincorporated portion of Mesa County into the boundaries of the city pursuant to the Municipal Annexation Act of 1965, Sections 31-12-101, et. seq., C.R.S.

**ANTENNA.** Any device designed and intended for transmitting or receiving television, radio, microwave signals, or other electromagnetic waves. An antenna includes all mounting and stabilizing items such as a tower, a pole, a bracket, guy wires, hardware, connection equipment and related items.

**APPEAL.** A request for a review of the City of Fruita staff's interpretation of any provisions of this Title.

**APPLICANT.** Any person, developer, subdivider, petitioner, property owner, firm, partnership, joint venture, association, corporation, group or organization who may apply for any land development permit, approval or decision governed or required by this Title.

**APPLICATION.** A written request for any land development permit, approval or decision governed or required by this Title. An application is not complete until each requirement of this Title is met and all fees are paid.

**AS BUILT DRAWING.** An engineering drawing indicating the final, as constructed location, grades, elevations, and construction details of streets, utilities, and other public facilities.

**ATTACHED.** Buildings joined and architecturally integrated by means such as common walls or a common roof.

**AUTO REPAIR SHOP.** A shop or place of business used for repair and maintenance of automobiles, trucks and other motor vehicle equipment. All motor vehicle equipment on the property shall carry a valid registration, have a registration or title applied for, or show a work order. Motor vehicle equipment, for which the shop operator holds no valid registration or work order shall be classified as salvage and junk and may not be kept, stored or worked on, in or on the property of an auto repair shop.

**AUTOMOBILE SALES ESTABLISHMENT AND LOTS.** An open area under private ownership used for the display, sale or rental of new and/or used motor vehicles where no repair work is done, except minor incidental repair of motor vehicles, to be displayed, sold or rented. An office/shelter structure as an accessory use is permitted.

**AWNING.** A projection from a building which shelters an area next to the building, supported entirely by the exterior wall of the building, composed of a covering of rigid or non-rigid material and/or fabric on a supporting framework that may be either permanent or retractable. Also known as a canopy.

**BASE DENSITY.** The maximum number of dwelling units/lots permitted by right, per gross acre, on a parcel of land within a zone district.

**BED AND BREAKFAST FACILITY.** A facility of residential character that provides sleeping accommodations with or without meals for hire on a day-to-day basis.

**BIKE LANE.** An area defined on a public roadway for exclusive use by bicyclists.

**BIKE PATH.** An off-street trail available for use by bicyclists. Also known as a trail.

**BLOCK.** A land area consisting of contiguous lots established by recorded plats; usually bordered by public ways or spaces.

**BLOCK FRONTAGE.** All property fronting on one side of a street between intersecting or intercepting streets, or between a street and a street right-of-way, waterway (wider than thirty

(30) feet), or end of a dead-end street. An intercepting street shall determine only the boundary of the frontage of the side of the street that it intercepts.

**BONUS DENSITY.** The additional number of dwelling units permitted on a parcel of land above the base density permitted in a zone.

**BUFFER.** A distance separation between land uses or buildings. Buffers typically contain landscaping. Accessory uses or structures, dumpsters, parking areas, etc. are not permitted in designated buffer areas.

**BUILDING.** Any permanent roofed structure built for the shelter and enclosure of persons, animals, materials or property of any kind. Does not include mobile or manufactured homes, but does include covered decks, porches, gazebos and sheds.

**BUILDING DESIGN CAPACITY.** The maximum occupancy load of a building as provided by the most recent version of the International Building Code, adopted by the city.

**BUILDING ENVELOPE.** Lines enclosing a horizontal and vertical space in which a building is to be constructed, which lines indicate the maximum exterior dimensions of the proposed building, covered porches, breezeways and other portions of the building.

**BUILDING FACADE.** The exterior face of a building.

**BUILDING HEIGHT.** The maximum vertical distance measured from finished grade near foundation to the highest part of the structure, including roof equipment or attachments, but excluding antennas.

**BUILDING LOT.** A lot which meets the applicable requirements for construction of a building.

**BUILDING PERMIT.** A permit issued by the Mesa County Building Department, acting on behalf of the City of Fruita after receipt of a Planning Clearance for a building permit issued by the City Community Development Department, which allows the construction of a structure within the city.

**BUSINESS RESIDENCE.** A single residential dwelling unit, accessory to, and located on the same lot, as a structure primarily devoted to business or commercial uses.

**CANOPY.** See Awning.

**CARPORT.** A structure with roof providing space for the storage of one or more automobiles and enclosed on not more than two (2) sides by walls.

**C.C.I.O.A.** The Colorado Common Interest Ownership Act, Sections 38-33.3-101, et. seq., C.R.S., governing the formation and operation of common ownership communities and condominiums.

**CERTIFICATE OF OCCUPANCY.** Refers to the Certificate of Occupancy defined in the currently adopted International Building Code or the permission to occupy a development for the approved use, granted by the City of Fruita.

**CHANGE IN USE.** A change from one principal use of a building or land to another principal use of the building or land. There may or may not be an increase in the size of the existing building or extent of the use of the land, but one or more of 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.

[**Note:** If there is a change from one principal use of a building or land to another principal use of a building or land, but there is no increase in the size of the existing building or extent of the use of the land and none of the above previous factors apply, a change of use shall not have occurred.]

**CHANNEL.** A natural or artificial low-lying area with definite bed and banks, which confines and conducts continuous or periodic flows of water.

**CHIEF BUILDING OFFICIAL.** The person appointed by the Fruita City Manager to administer the Building Codes, as adopted by the City of Fruita, for the city.

**CHILD CARE CENTER.** A facility for child care for less than 24 hours a day in a location which is maintained for the whole or part of a day for the care of two (2) or more children under the age of sixteen (16) years and not related to the owner of the center, whether such facility is operated with or without compensation for such care and with or without stated education purposes. The term includes facilities commonly known as " child daycare centers," "nursery schools," "kindergartens," "preschools," "play groups," "day camps," and "summer camps."

**CHILD CARE HOME.** A type of child care center that provides less than 24-hour care for two (2) to eight (8) children on a regular basis in a place of residence. Children in care are from different family households and are not related to the head of the household.

**CHURCH.** Any structure or building for organized public worship.

**CITY.** The City of Fruita.

**CITY ENGINEER.** The individual selected by the City Manager to serve as the appointed Chief Engineer for the City of Fruita.

**CIVIC CLUB.** A group of people organized for a common purpose to pursue common goals, interests, or activities, are not commercial in nature and usually characterized by certain membership qualifications, payment of fees and dues, regular meetings and a constitution and bylaws.

**CIVIC SPACES.** Public areas, such as plazas, landscaped courtyards, alcoves or pocket parks that provide pedestrian rest areas and/or aesthetic relief.

**CLUSTER/CLUSTERED.** A group of dwelling units that are placed close together in order to preserve open space.

**CODE ENFORCEMENT OFFICER.** The individual hired by the Community Development Director to perform duties within the community that enforce adherence to the Land Use Code by all individuals for the health, safety and welfare of the community and the residents therein.

**COMMUNITY CORRECTIONS FACILITY.**

1. A facility providing residential or non-residential services operated under the direction of a Community Corrections Program, as defined by Sections 17-27-101, et. seq., C.R.S.; or
2. A facility providing residential or non-residential services substantially similar to that described in Section 17-27-102(3), C.R.S., although not being administered pursuant to Sections 17-27-101 et. seq., C.R.S., which is operated by a private individual, partnership, corporation or association.

A community corrections facility shall manage and supervise "offenders" in accordance with adopted standards and pursuant to a contract supervised and administered by an agency of the State of Colorado; such a facility is not required to be in direct privity of contract with the State so long as it is subject to the same, or equivalent, standards and rules applicable to a facility which is subject to Sections 17-27-101, et. seq., C.R.S. The applicant for a community corrections facility which is not administered pursuant to Sections 17-27-101 et. seq., C.R.S. shall identify, and provide as required by the Director, the rules and contract under which such facility is regulated and administered. A community corrections facility shall provide to the

Director, upon request, evidence that the facility/program is subject to 'program audits' by the State, or an agent of the State, and is operating and has been operated in compliance with all applicable standards. "Offenders" means, for the purposes of this definition, a person accused or convicted of a felony, misdemeanor or other criminal offense.

**COMPOSITE SITE PLAN.** A site plan submitted and recorded with the platting of subdivisions. The composite site plan should show information not typically included on the plat, such as; specific driveway restrictions, non-typical building setback lines, developer/HOA maintained fencing, etc.

**CONCEALED OR STEALTH TELECOMMUNICATIONS TOWER.** Any tower or telecommunications facility which is designed to enhance compatibility with adjacent land, buildings, structures and uses, including, but not limited to, architecturally screened roof-mounted antennas, antennas integrated into architectural elements and towers designed to not look like a tower; such as, light poles, power poles and trees. The term stealth does not necessarily exclude the use of un-camouflaged lattice, guyed or monopole tower designs.

**CONCEPT PLAN.** The optional first step of a Planned Unit Development proposal, pursuant to Chapter 17.17.

**CONDITIONAL USE.** A use which, because of its unique or varying characteristics, cannot be properly classified as an allowed use in a particular zone district. After due consideration, as provided for in Section 17.13.040 of this Title, of the impact upon neighboring land and of the public need for the particular use at a particular location, such conditional use may or may not be approved.

**CONDOMINIUM.** A common interest community in which portions of the real estate are designated for separate ownership and the remainder of which is designated for common ownership solely by the owners of the separate portions. A common interest community is not a condominium unless the undivided interests in the common elements are vested in the unit owners.

**CONDOMINIUM UNIT.** A unit in a condominium consisting of any enclosed room(s) occupying all or part of a floor(s) in a building of one or more floors used for residential, professional, commercial, or industrial purposes together with the interest in the common elements appurtenant to that unit.

**CONSERVATION EASEMENT.** A deed restriction placed on property that restricts its owner to specific limited uses of the property, typically agriculture or as passive, public or private open space.

**CONSTRUCTION.** For the purposes of this Title, any improvements made to land, existing buildings, or other above or below ground facilities, and any erection or installation of new



structures or above or below ground facilities for which a Planning Clearance or other land development application approval is required by the Fruita Municipal Code.

**CONSTRUCTION PLAN.** Complete construction drawings of a facility or improvement, including but not limited to road plans and profiles, drainage plans and utility plans.

**CONVEYANCE OF THE LAND.** Transfer of all or a part of a title or equitable interest in land; the lease or assignment of an interest in land; the transfer of any other land interest.

**COOPERATIVE PLANNING AREA.** An area defined in an intergovernmental agreement between Mesa County, the City of Fruita, and the City of Grand Junction and generally located between 20 Road and 21 Road from the Bureau of Land Management Lands on the north to State Highway 6 & 50 on the south and extending south to the Colorado National Monument in areas between 18 ½ Road and 21 Road. The Cooperative Planning Area is also shown on the TDR/C Sending Area Map contained within the Transferable Development Rights/Credits Program Manual; also known as the Community Separator and Buffer Zone.

**COTTAGE OR COTTAGE CLUSTER.** A single lot or parcel of land developed with two or more detached single family dwellings.

**COUNCIL.** The Fruita City Council.

**COUNSELING CENTER.** A facility where individuals or small groups are provided professional counseling assistance with personal, emotional, marital, medical, or similar problems on an out-patient basis.

**COUNTY.** Mesa County.

**CUL-DE-SAC.** A local dead-end street terminating in a vehicular turnaround area.

**CURB FACE.** The vertical or shaped portion of a curb, facing the roadway, and designed to direct stormwaters.

**DAYCARE CENTER.** A facility for the care, protection and supervision of two (2) or more adults, on a regular basis, away from their primary residence, for less than twenty-four (24) hours per day.

**DAYCARE HOME.** A type of daycare center that provides less than 24- hour care for two (2) to eight (8) adults on a regular basis in a place of residence. Adults in care are from different family households and are not related to the head of the household.

**DECK.** Open floor space above ground level, without a roof. A deck over thirty (30) inches above finished grade (ground surface) requires a building permit.

**DECORATIVE WALL.** Masonry or masonry with wood, with surface variations so that it is dissimilar from a plain cinder block wall.

**DEDICATION.** Land, easements, or rights-of-way which are permanently conveyed to a public entity or utility and accepted by that public entity or utility.

**DEED.** A document conveying and evidencing a conveyance of land or a conveyance of an interest in land.

**DEED RESTRICTION.** A legal document recorded with the County Clerk and Recorder describing restricted activities on a lot or parcel of land.

**DEPARTMENT.** The Fruita Community Development Department.

**DESERT LANDSCAPING.** The use of landscaping materials, both vegetative and non-vegetative, which are native to an arid or semiarid climate. (See xeriscape.)

**DESIGN CAPACITY.** The practical capacity of a facility, whether a road, building, ditch, pond, or other structure determined by engineering analysis to be capable of accommodating the design volume or load.

**DESIGN CRITERIA AND CONSTRUCTION SPECIFICATIONS MANUAL.** City of Fruita regulations and standards concerning the construction of wastewater systems, sanitary sewer systems, street system and other transportation systems, storm drainage and erosion control systems, irrigation systems and others.

**DESIGN STANDARDS.** Local, State, or national criteria, specifications or requirements referenced within this Title and used for the design of public or private infrastructure such as, streets, sewers, and sidewalks.

**DEVELOPER.** A person, firm, partnership, joint venture, association, corporation, group or organization who shall participate as owner, promoter, developer or sales agent in the planning, platting, development, promotion, sale or lease of a development.

**DEVELOPMENT.** Construction, improvement, or remodeling of a building or placement of a use on a parcel of land. Development may be deemed to include all property adjacent or abutting, whether or not to be immediately planned or developed, under the same or substantially the same ownership. Development includes, but is not limited to any of the following: the division of a parcel of land into two (2) or more lots; the construction, reconstruction, conversion, excavation, clearing of roadways or building sites; the extension of utilities; landfill or land disturbance; any use or extension of the use of land; the placement of a use on any property; or any planned unit development. Development does not include movement of earth associated with crops and/or farming or landscaping.

**DEVELOPMENT APPLICATION.** See Application.

**DEVELOPMENT IMPROVEMENTS AGREEMENT (DIA).** An agreement between the city and a property owner and developer which provides for the construction, installation and development of public or shared improvements associated with a development and includes a performance guarantee and various exactions required by the city as further described in Chapter 17.21 of this Title.

**DEVELOPMENT RIGHT/CREDIT.** The ability to build one (1) dwelling unit in a Sending Area, as such ability is created and administered pursuant to an intergovernmental agreement and/or the regulations of the appropriate jurisdiction and Chapter 17.09 of this Title, concerning Transferable Development Rights/Credits. For purposes of its use in this Code, the term Development Right is also known as a Development Credit.

**DEVELOPMENT SCHEDULE/PHASING SCHEDULE/FILING SCHEDULE.** A schedule approved by the City Council showing the order and timing for the start and completion of various parts of a development. Such a schedule is mandatory and considered a condition of approval of a subdivision to be completed in phases or filings.

**DIRECTOR.** The Director of the City of Fruita Community Development Department.

**DISBURSEMENTS AGREEMENT.** An agreement recorded in the records of the County Clerk and Recorder which binds a developer and/or landowner to expend funds required for the construction of development improvements, and which provides for the escrow of funds controlled by a financial institution and the city to secure the completion of improvements.

**DOWNTOWN AREA.** The area within the city designated in the Fruita Community Plan as Downtown Mixed Use.

**DOWNTOWN CORE.** The area designated on the Fruita Community Plan as Downtown Mixed Use south of Pabor Avenue. This area extends from Pabor Avenue south to the railroad tracks and from Little Salt Wash to Elm Street.

**DRIVEWAY.** A paved or unpaved area used for the ingress and/or egress of vehicles and allowing access from a street to a building or other structure or facility. Also known as a driving aisle when used in reference to a parking lot.

**DUPLEX.** A building containing two (2) dwelling units totally separated from each other by an unpierced wall extending from ground to roof located on a single lot and all under the same ownership.

**DWELLING, CARETAKER.** A dwelling designed for a resident to oversee a commercial or industrial establishment.

**DWELLING, MULTI-FAMILY.** A building containing three or more dwelling units arranged, designed for, and intended for occupancy of three (3) or more family units independent of each other, having independent cooking and bathing facilities located on a single lot and all under the same ownership.

**DWELLING, SINGLE-FAMILY, ATTACHED.** One of two (2) or more single family dwelling units having a common or party wall separating dwelling units with each dwelling unit located on a separate lot.

**DWELLING, SINGLE-FAMILY, DETACHED.** A residential building containing not more than one (1) dwelling unit entirely surrounded by open space on a single lot. This includes modular houses.

**DWELLING UNIT.** One (1) or more rooms designed, occupied, or intended for occupancy as a separate living quarter, with cooking, sleeping and sanitary facilities provided within the dwelling unit for the exclusive use of a single family maintaining a household.

**DWELLING, ZERO LOT LINE.** A single-family dwelling unit located on a lot in such a manner that one (1) or more of the building's sides rest directly on a lot line.

**EASEMENT.** An ownership interest in real property entitling the holder thereof to use, but not full possession, of that real property.

**ELECTRONIC MESSAGE BOARDS.** A sign with electronically changeable copy.

**ENGINEER.** An engineer licensed or registered by the State of Colorado.

**EQUIPMENT.** Rolling stock or movable personal property except that, for the purpose of this Title, it shall not include those items defined as heavy equipment.

**ESCROW AGREEMENT.** A legal instrument binding a developer and/or landowner to apply funds held in trust by a financial institution for the construction of required improvements of a development or other specified purpose.

**EVIDENCE.** Any map, documentary or testimonial material offered by a person in support of a specific claim, condition, or assertion.

**EXOTIC ANIMALS.** Those animals not defined as household pets or agricultural animals.

**EXTRACTIVE USES.** Surface and/or subsurface natural resources which may be extracted from the land. This includes exploratory drilling or mining, but excludes individual water well drilling.

**FACADE.** The exterior walls of a building exposed to public view or that wall viewed by persons not in the building.

**FAMILY.** Any number of persons living together on the premises as a single unit, but shall not include a group of more than four (4) individuals not related by blood, marriage or adoption. Notwithstanding the foregoing, a family shall be deemed to include four (4) or more persons not related by blood, marriage, adoption, or legal custody occupying a residential dwelling unit and living as a single household, if the occupants are handicapped persons as defined in Title VIII, Part 3 of the Civil Rights Act of 1968, as amended by the Fair Housing Amendments Act of 1988, or disabled persons as defined by '24-34-301, C.R.S. A household that includes persons identified above shall not be excluded from the necessary persons employed in the care and supervision of such handicapped or disabled persons.

**FARM AND RANCH STRUCTURES AND USES.** Those structures and uses devoted to the shelter and/or raising of livestock, poultry, feed, flowers, crops, field equipment or other agricultural items, with or without a dwelling unit. Also known as Agricultural structures and uses.

**FARMERS MARKET.** A structure or place where agricultural produce is brought for the purposes of retail sales. (Note: A farmers market differs from a produce stand in that there may be more than one (1) seller allowed per parcel of land and the structure from which produce is sold at a farmers market need not be portable or capable of being dismantled or removed from the site.)

**FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA).** The federal agency responsible for the National Flood Insurance Program which includes the Flood Insurance Rate Maps (FIRM) and Federal Flood Insurance Zones.

**FEED LOT.** An area which is used for custom feeding of livestock where charges are made to owners of livestock for yardage, feed and feed processing.

**FENCE.** A barrier constructed to mark a boundary or to prevent exit from or entry onto or into premises or property and/or to screen premises or property from view regardless of the material used, except vegetative materials, including walls but not retaining walls. A fence is considered a structure.

**FILING.** A portion of a development where a plat is created showing only the lots to be developed at the time of recording of such plat, plus a large remainder lot (as a single parcel) reserved for future filings.

**FINAL PLAN.** The last most detailed plan submitted to the city for approval as part of the subdivision or development review process.

**FINAL PLAT.** A survey map establishing real estate interests for recording with the County Clerk and Recorder prepared by a registered surveyor. This survey shall be marked on the ground so that streets, blocks, lots and other divisions thereof can be identified and drawn in accordance with the requirements of this Title.

**FIRE FLOW SURVEY.** A testing of fire hydrants to determine capacity by volume and pressure for fire fighting purposes in accordance with the requirements of the local Fire Marshal.

**FLEA MARKETS.** A flea market, swap shop, or similar activity by whatever name, where the use involves the setting up of two (2) or more booths, tables, platforms, racks, or similar display areas for the purpose of selling, buying, or trading merchandise, goods, materials, products or other items offered for sale outside an enclosed building. Flea markets do not include any of the following activities: garage sales, produce stands, or fund raising activities done by a non-profit organization.

**FLOODPLAIN.** An area adjacent to a watercourse which may be subject to flooding as a result of an increase in water flow beyond a normal high water mark.

**FLOOR AREA.** The total horizontal area of all floors in a building.

**FLOOR AREA, GROSS.** The total square footage of a building measured within the exterior face of exterior walls or the centerline of walls separating two (2) abutting buildings, including all floors of a multistory building whether finished or unfinished.

**FLOOR AREA, NET.** The square footage of the primary use area of a building including restrooms, hallways and stairwells, but not including normally unoccupied areas such as garages, storage rooms, furnace areas, or any space where floor-to-ceiling height is less than six (6) feet and six (6) inches.

**FRONTAGE.** The frontage of a parcel of land is considered that distance where a property line is common with a road right-of-way line. This does not include property lines common with an alley right-of-way.

**GARAGE, PUBLIC.** A structure, or portion thereof, attached or detached, and accessory to the principal building on a parcel of land for the storage of motor vehicles. A structure other than a private garage used for the housing of motor vehicles or where vehicles are stored or kept for remuneration, hire or sale. This garage shall not be considered an "Auto Repair Shop".

**GARAGE (YARD) SALE.** A sale of used clothing or household goods held at the seller's home.

**GASOLINE SERVICE STATION.** Buildings and/or surfaced area where automotive vehicles may be refueled and/or serviced. This service shall not include tire recapping, body painting and repair, or engine repair, which requires removal of the head or pan of the engine.

**GEOLOGIC HAZARD AREA.** An area identified by a qualified State or federal government agency as containing or being directly affected by a geologic hazard.

**GEOTECHNICAL REPORTS.** A report describing the engineering and construction properties of soils at a site based on drilling and sampling information and which provides recommendations for foundations, utility lines, and pavement design within the development.

**GOVERNING BODY.** The Fruita City Council.

**GRADE.** The lowest point of elevation of the finished surface of the ground, paving or sidewalk within the area between the building and the property line or, when the property line is more than five (5) feet from the building, the point between the building and a line five (5) feet from the building.

**GRADE, FINISHED.** The level of the soil after completion of site development.

**GRADE, HIGHEST ADJACENT.** The highest natural elevation of the ground surface prior to construction next to the proposed wall of a structure.

**GRADE, NATURAL.** The undisturbed ground level which may be determined by on-site evidence (vegetation, ground level on adjacent land, elevation of adjacent streets and roads, soil types and locations, etc.).

**GREENHOUSE.** See Nursery-Greenhouse.

**GROSS ACREAGE.** The area of a proposed development, including proposed dedications of easements, rights-of-way or other property rights, but excluding existing dedicated rights-of-way.

**GROSS LEASABLE AREA.** The total building area, expressed in square feet and designed for tenant occupancy and exclusive use, including any basements, mezzanines, or upper floors, as measured from exterior walls or the centerline of walls separating two (2) abutting buildings, but excluding any space where floor-to-ceiling height is less than six (6) feet and six (6) inches.

**GROUND COVER.** Rocks, mulch, grass or other plants and similar materials used to keep soil from being blown or washed away.

**GROUND SUBSIDENCE.** A process characterized by the downward displacement of surface material caused by natural phenomena; such as, removal of underground fluids, natural consolidation, or dissolution of underground minerals or by manmade phenomena such as underground mining.

**GROUND WATER.** Subsurface water found within and below the zone of continuous saturation.

**GROUP HOMES.** The residential occupancy of a structure by a group of people who do not meet the definition of Household Living. Tenancy is arranged on a monthly or longer basis, and

the size of the group may be larger than a family. The residents may receive care, training or treatment, as long as the care givers also reside at the site. Group home does not include a home for adults who have been charged or convicted and are under court supervision for any violent crime, but shall include homes for adjudicated delinquent children.

**GROUP HOMES, LARGE.** A group home for more than eight (8) persons or for less than eight (8) persons when on-site medical or psychological treatment, therapy, or counseling is provided for all or some of the residents of the group home.

**GROUP HOMES, SMALL.** An owner occupied group home for the exclusive use of not more than eight (8) persons who do not receive or require on-site medical or psychological treatment, therapy, or counseling, but some or all of whom are receiving on-site physical assistance with day-to-day living activities. The limit of eight individuals includes both those receiving and those providing assistance.

**HABITABLE FLOOR.** Any floor usable for living purposes, which includes: working, sleeping, eating, cooking, recreation, or a combination thereof.

**HARDSCAPE.** Stone, brick, rock, sand, textured or shaped concrete, decorative walls and/or pedestrian facilities (i.e. benches, tables, play equipment, walking or bike paths).

**HAZARD PRONE AREA.** An area which has not yet been officially designated by the State or federal government as a geological hazard area but where historical evidence, climatological data, surface or subsurface geological, topographical, vegetative, or on other onsite naturally occurring factors indicate a relatively greater risk of property damage than exists on other parcels in the city.

**HAZARDOUS SUBSTANCE.** Any material that, by reason of its toxic, corrosive, caustic, abrasive or otherwise injurious properties, may be detrimental or deleterious to the health of any person handling or otherwise coming into contact with such material or substance.

**HEALTH CLUB.** An establishment that provides facilities for exercise activities; such as, running, jogging, aerobics, weight lifting, court sports and swimming, as well as, locker rooms, showers, massage rooms, saunas and related accessory uses.

**HEALTH DEPARTMENT.** The Mesa County Health Department.

**HEARING.** See Public Hearing.

**HEAVY EQUIPMENT.** Any vehicle with a gross weight greater than fifteen thousand (15,000) pounds which is used primarily for commercial purposes, including but not limited to, trucks, earthmovers, backhoes and loaders, but not including recreational vehicles or farm equipment.



**HEDGE VEGETATION.** A plant which will grow, with regular trimming, to a height of four (4) to six (6) feet maximum.

**HELIPAD.** A facility without the logistical support provided by a Heliport (See Heliport) where helicopters take off and land. Helipads do not include facilities for maintenance, repair, fueling or storage of helicopters.

**HELIPORT.** An area used for the take-off and landing of helicopters and fuel facilities (whether fixed or mobile) or appurtenant areas for parking, maintenance, and repair of helicopters.

**HIGH WATER MARK.** The ordinary high water level or bank of a stream, river, lake or impoundment which, in the absence of evidence to the contrary, shall be presumed to be the edge of the vegetation growing along the shore.

**HILLSIDE DISTURBANCE.** Includes any and all areas of the building site disturbed during construction by grading or excavation and temporary or permanent construction for all buildings, parking areas, driveways, roads, sidewalks, and other areas of concrete, asphalt, or other construction materials.

**HOME OCCUPATION.** A commercial or business use within a dwelling unit by the residents thereof, which is incidental or secondary to the principle use of the dwelling for residential purposes.

**HOMEOWNERS ASSOCIATION (HOA).** A formally constituted non-profit association made up of the property owners and/or residents of a fixed area, which association is formed for the purpose of assuming permanent responsibility for costs and upkeep of common areas, common elements, open space, irrigation system, and similar shared facilities or to enforce the covenants for a development whether or not there are shared facilities.

**HOSPITAL.** Any building used for overnight accommodation and medical care of human patients including sanitariums, but excluding clinics, rest homes and convalescent homes.

**HOTEL.** A structure providing short term lodging or boarding for guests for not more than thirty (30) consecutive days, including lodges and motels.

**HUMAN SCALE.** Buildings and spaces built in scale with each other and in scale with the human use of these buildings and spaces. Buildings scaled to human physical capabilities have steps, doorways, railings, work surfaces, seating, shelves, fixtures, walking distances, and other features that fit well to the average person.

**ILLUMINATION, DIRECT.** When applied to the lighting of signs, lighting by means of an unshielded light source (including neon tubing) which is effectively visible as a part of the sign, where light travels directly from the source to the viewer's eye.

**ILLUMINATION, INDIRECT.** When applied to the lighting of signs, lighting by means of a light source directed at a reflecting surface in a way that illuminates the sign from the front, or a light source that is primarily designed to illuminate the entire building facade upon which a sign is displayed. Indirect illumination does not include lighting which is primarily used for purposes other than sign illumination; e.g., parking lot lights, or lights inside a building that may silhouette a window sign, but are primarily installed to serve as inside illumination.

**ILLUMINATION, INTERNAL.** When applied to the lighting of signs, lighting by means of a light source that is within a sign having a translucent background, silhouetting opaque letters or designs, or which is within letters or designs that are themselves made of a translucent material.

**IMPOUND LOT.** A lot for the storage of vehicles which have been towed or otherwise moved to the lot by a towing carrier permitted to operate pursuant to Sections 40-13-101 et. seq. C.R.S., in which lot no vehicle dismantling or repair work occurs.

**IMPROVEMENTS.** Street pavements, curbs, gutters, sidewalks, paths, bikeways, sedimentation control facilities, revegetation, water lines and mains, irrigation systems, storm sewers, wastewater collection lines and wastewater mains, irrigation systems, lateral wastewater lines, drain ways, gas lines, electric and telephone lines and appurtenances, street signs, street lights, lot pin monuments, range point boxes, cable television lines, fiber optic cables, recreational facilities, landscaping, fire hydrants, and traffic control devices and any other item required for compliance with the regulations of this Title or the conditions of approval in a development.

Public Improvements shall be deemed to include water lines, water mains, fire hydrants, wastewater collection lines and mains, public recreational facilities, traffic control devices, public roads, curb, gutter, sidewalk, bike paths and other facilities conveyed to the city.

Private Improvements include all development improvements not conveyed to the city or other governmental entity; such as, natural gas facilities, telephone lines, electric lines, cable television system facilities, irrigation systems, drainage facilities and homeowner association common area facilities.

**INTENSITY.** The number of dwelling units per acre for residential development and gross floor area/level of activity and impacts of activity for non-residential development.

**IRRIGATION OR IRRIGATED.** Water used, whether or not potable, to sustain or grow landscapes or flora.

**JUNK.** Any waste, scrap, surplus, or discarded material, including but not limited to, metal, glass, paper, appliances not used for their intended purposes, junk vehicles, dismantled machinery, discarded construction materials, cardboard or fabric which is worn, deteriorated, and may or may not be used again in some form, but excluding animal wastes and human sewage.

**JUNK VEHICLE.** Any motor vehicle, trailer, or semi-trailer that is not operable in its existing condition because of damage or because parts necessary for operation are removed, damaged or deteriorated; or, is not capable of being lawfully driven on a public highway or street pursuant to the minimum standards set forth in Title 42 of the Colorado Revised Statutes. Any such motor vehicle, trailer, or semi-trailer shall be presumed to be a junk vehicle if no current Colorado license plates are displayed thereon, or if Colorado license plates have been invalid for more than sixty (60) days.

**JUNK YARD.** Any yard, lot, land, parcel, building or structure, or part thereof, used for storage, collection, processing, purchase, sale, salvage or disposal of used or scrap materials, equipment, vehicles or appliances. The term "Junk Yard" shall include "Wrecking Yard" and "Salvage Yard." Junk Yard does not include storage of vehicles used for agricultural purposes on a property used for agricultural purposes, or facilities qualifying as motor vehicle repair shops.

**JURISDICTION.** The sphere of responsibility of the Fruita City Council or a tax-assessing district.

**KENNEL.** A facility in which five (5) or more animals of the same species are housed, groomed, bred, boarded, and/or trained in return for compensation, and/or sold, and which may offer incidental medical treatment.

**LAND DEVELOPMENT APPLICATION.** A written request submitted for any approval, permit, or action required by this Land Use Code.

**LANDLOCKED PARCEL.** A parcel of land without access of record with the County Clerk and Recorder to a public right-of-way.

**LANDSCAPE AREA.** An area set aside from structures and parking which is developed with plantings, woods, stone, brick, rock, sand, textured or shaped concrete and/or pedestrian facilities (i.e. benches, tables, play facilities, paths, etc.).

**LANDSLIDE.** A mass movement where there is a distinct surface of rupture or zone of weakness, which separates the slide material from more stable underlying material.

**LAND SURVEY PLAT.** A plat which shows the information developed by a monumented land survey and includes all the information required by C.R.S. Section 38-51-106.

**LAND USE.** List of uses within categories enumerated in Section 17.07.060 of this Title for various uses of land in the city.

**LAND USE CODE OR CODE.** Unless otherwise specified, refers to this Title 17 of the Fruita Municipal Code.

**LETTER OF CREDIT.** A letter from a bank or other financial institution which guarantees that sufficient funds may be drawn on the financial institution to cover the cost of constructing the required improvements in a development.

**LOADING SPACE.** An off-street portion of a parcel for the temporary parking of commercial vehicles while loading or unloading materials for use or sale on the parcel.

**LODGE.** A structure providing short term lodging or boarding for guests for not more than thirty (30) consecutive days, including hotels and motels.

**LOT.** A parcel of land as established by recorded plat.

**LOT AREA, NET.** The area of land enclosed within the property lines of the lot excluding adjacent streets and alleys.

**LOT AREA, GROSS.** The horizontal area within the exterior boundaries for the subject property, including: any streets and required improvements, easements, reservations or dedications.

**LOT, CORNER.** A lot abutting upon two (2) or more intersecting streets.

**LOT COVERAGE.** Lot coverage is measured as a percentage of the total lot area covered by buildings. It is calculated by dividing the square footage of a building cover by the square footage of the lot. All covered patios, decks, porches and accessory buildings are included in the calculation. Roof eaves are not included.

**LOT DEPTH.** The horizontal distance measured from the front property line to the rear property line. If front and rear property lines are not parallel, the lot depth is the shortest distance between the front and rear property lines.

**LOT, DOUBLE FRONTAGE (THROUGH LOT).** A lot having frontage on two (2) non-intersecting streets. A double frontage lot shall be required to have one (1) front yard setback and one (1) rear yard setback.

**LOT, FLAG.** A lot having no frontage or access to a street or place except by a narrow strip of land.

**LOT FRONTAGE.** The distance for which a lot abuts on a street.

**LOT, INTERIOR.** A lot whose side property lines do not abut on any street.

**LOT LINE.** A line of record bounding a lot which divides one lot from another lot or from a public or private street or any other public or private space.

**LOT LINE, FRONT.** The property line dividing a lot frontage from a road right-of-way.

**LOT, PENINSULA.** A lot which is bordered on three (3) sides by a street. Peninsula lots are required to have two (2) front yard setbacks. The third street frontage shall be treated as a rear yard for setback purposes.

**LOT WIDTH.** The horizontal distance between side property lines measured parallel to the street, or to the tangent of a curved street property line. If side property lines are not parallel, the lot width is the shortest distance between the side property lines.

**MACHINE SHOP.** A structure used for containing machinery for the manufacture, modification or repair of metal goods and automotive equipment. This use shall be conducted entirely inside the building and does not include the dismantling of automotive equipment.

**MAINTAIN.** To use, to keep in existence.

**MAJOR STREET PLAN.** A plan or plans showing the location of rights-of-way, which will be developed in the future, which must be adhered to when planning new development or land uses. Plans for areas smaller than the entire city are still considered "major street plans." The city relies on the authority in Title 31, C.R.S., in addition to its other powers and authority relating to major street plans. Also known as the Fruita Area Street Classifications and Traffic Control Plan.

**MANUFACTURED HOME.** A factory-built single-family dwelling manufactured under the Federal Manufactured Home Construction and Safety Standards Act. The Act, commonly called the HUD Code, went into effect June 15, 1976.

**MANUFACTURED OR MOBILE HOME PARK.** A parcel of land used for the continuous accommodation of five (5) or more occupied manufactured homes or mobile homes and operated for the pecuniary benefit of the owner of the parcel of land, his agents, lessees, or assignees. A manufactured or mobile home park does not include manufactured or mobile home subdivisions. (See Chapter 17.25)

**MANUFACTURED OR MOBILE HOME SUBDIVISION.** A parcel or contiguous parcels of land subdivided into two (2) or more lots configured specifically for development of manufactured or mobile home housing. (See Chapter 17.25)

**MASTER PLAN.** Collectively, the City of Fruita Community Plan (2008); the Parks, Open Space, and Trails Plan (2009); Fruita Greenway Business Park Plan (2001); City of Fruita Traffic Calming, Bicycle, Pedestrian Plan (1999); City of Fruita Stormwater Management Master Plan (1998); Mesa County Stormwater Management Plan; Fruita Kokopelli Greenway Plan (1996); The SH 340 Corridor Conceptual Development Plan (1994); and City of Fruita 201 Regional Wastewater Plan.

**MEMBERSHIP CLUB.** An association of persons, incorporated or unincorporated for a common purpose, but not including groups organized primarily to render a service carried on as a business.

**MESA COUNTY ROAD AND BRIDGE STANDARDS.** Mesa County Standard Specifications for Road and Bridge Construction (Adopted March 28, 1995), as amended, should be used in accordance with the Fruita Land Use Code.

**MINI STORAGE WAREHOUSE.** A structure containing separate, individual, and private storage spaces of varying sizes, leased or rented on individual leases for varying periods of time.

**MOBILE HOME.** A factory-built single-family dwelling constructed prior to the enactment of the HUD Code on June 15, 1976. The term "mobile home" shall only include those units designed and intended for use as a permanent residence and shall not include office trailers, manufactured homes, travel trailers, camp trailers, or other recreational type vehicles designed for temporary occupancy.

**MODULAR HOME.** A factory-built single-family dwelling constructed in compliance local building code standards. Such dwellings are divided into multiple modules or sections which are manufactured in a remote facility and then delivered to the site. The modules are assembled into a single residential building using either a crane or trucks. Also known as factory-built homes.

**MONUMENTED LAND SURVEY.** Land survey in which monuments are either found or set pursuant to Sections 38-51-103, 38-51-104, and 38-51-105, C.R.S., to mark the boundaries of a specified parcel of land.

**MOTEL.** A structure providing short term lodging or boarding for guests for not more than thirty (30) consecutive days, including hotels and lodges.

**MUDFLOW.** Describes a flowing mass of predominantly fine-grained earth material possessing a high degree of fluidity during movement.

**MULCH.** Wood chips, bark, rock or other accepted material placed around plants to assist in moisture retention, weed prevention and erosion control.

**NATURAL HAZARD.** Describes a geologic, floodplain, or wildfire hazard, as identified by a State or federal agency.

**NATURAL RESOURCE.** A resource established through the ordinary course of nature.

**NEIGHBORHOOD.** An area of a community with characteristics that distinguishes it from other areas and that may include distinct ethnic or economic characteristics, housing types,

schools, or boundaries defined by physical barriers; such as, major highways and railroads or natural features such as rivers.

**NEIGHBORHOOD ASSOCIATION.** Any group that has been recognized by the Community Development Department or has registered with the Community Development Department the boundaries of a particular area with which it is related and which the association represents.

**NIGHT CLUB.** A commercial establishment dispensing alcoholic beverages for consumption on the premises and in which music, dancing or live entertainment is conducted.

**NO BUILD AREA.** An area identified on a plat or other document indicating the areas where no permanent buildings or structures are permitted including slabs and raised landscaping. Fencing may be permitted in some no build areas.

**NODES.** An identifiable grouping of uses subsidiary and dependent to a larger urban grouping of similar or related uses.

**NONCONFORMING, LEGAL.** A use, lot, structure, and/or development which was legally established prior to the adoption of this Code or any amendment thereto, which does not presently conform to the Code or its amendments.

**NOTICE.** The method used of informing persons of requests, hearings, actions taken and similar actions. The form and specifics of notice will vary depending on the application process and other factors.

**NOTICE OF INCOMPLETENESS.** A notice issued by the City Community Development Department to an applicant indicating that a land development application does not meet the minimum requirements for processing.

**NURSERY-GREENHOUSE.** A place where plants are grown, acquired and maintained for transplanting or sale. Sale or rental of small landscaping tools and supplies may be an accessory use.

**NURSERY SCHOOL/PRESCHOOL/ DAY NURSERY.** See Child Care Center

**OFF-STREET PARKING SPACE.** The space required to park one (1) motor vehicle, exclusive of access drives, and not on a public right-of-way.

**OPEN MINING.** The mining of natural mineral deposits by removing the overburden lying above such deposits and mining directly from the deposits exposed. The term includes, but is not limited to, such practices as open cut mining, open pit mining, strip mining, quarrying and dredging.

**OPEN SPACE.** Any property or portion thereof without habitable structures or significant impervious surface and not designated and used for a specific purpose. Open space must also have all three (3) of the following characteristics: 1) land in a natural, near natural, agricultural, or other desirable condition or reserved for outdoor recreational activities; 2) permanent protection, and; 3) has attributes or features worthy of protection.

**OPEN SPACE, PRIVATE.** An open space which is privately owned and designed for private use.

**OPEN SPACE, PUBLIC.** An open space that is designated for public access and may be posted with hours of operation and use. Public open space can be publicly owned or owned by a private entity such as a homeowners' association but contains a public access easement.

**OUTDOOR EVENTS.** Entertainment, educational and cultural events generally involving large numbers of people as spectators or participants in an outdoor setting.

**OUTLOT.** An area of land on a plat which will be used for a purpose other than a building site.

**OUTSIDE STORAGE.** Storage of materials, supplies, and merchandise that is not within an enclosed structure and in the same place for more than forty-eight (48) hours.

**OVERBURDEN.** All the earth and other materials which lie above natural mineral deposits or materials disturbed from their natural state in the process of mining and/or other development.

**OVERFLOW PARKING.** Any off street, ground level open area, used for the temporary storage of excess motor vehicles.

**OVERLAY DISTRICT.** A zoning district which has been superimposed over basic districts to address development constraints which require special attention and treatment and to alert developers to issues they need to address in preparing an application to develop.

**OWNER OF RECORD.** The fee simple owner of a parcel or parcels of land as indicated by the records of the Mesa County Clerk and Recorder.

**PARCEL.** An area of land defined by a legal description recorded with the Mesa County Clerk and Recorder.

**PARK.** A type of open space that is used for recreational activities and typically contain recreational amenities such as picnic tables and/or ball fields depending on the size of the park.

**PARK, COMMUNITY.** Community parks are large, multi-purpose parks that serve the entire community. These parks are generally designed to provide active play opportunities for all ages. Community parks can also provide indoor facilities to meet a wider range of recreation and



interests. These parks should be designed to meet the active community while providing a sanctuary for those individuals who also enjoy more leisure-oriented activities.

**PARK, NEIGHBORHOOD.** Neighborhood scale parks are intended to serve residents in the neighborhoods surrounding the park. These parks are typically designed primarily for informal and unorganized activities, such as pickup ball games. They are generally small in size at 2-8 acres of usable area. While it is not the rule, neighborhood parks sometimes provide space for programmed activities, such as organized athletics.

**PARK, PRIVATE.** A park that is privately owned and not generally open for public use.

**PARK, POCKET.** Pocket parks are smaller versions of neighborhood parks with fewer amenities, and serve a smaller radius of homes. In Fruita, these parks are found in most subdivision with more than 25 units and have historically been privately developed and maintained, but have public access agreements allowing for public use. However, there are a few pocket parks that are owned and maintained by the City.

**PARK, PUBLIC.** A park that is open for public use and can be owned by a private entity such as a homeowners' association or publicly owned.

**PARKS, OPEN SPACE, AND TRAILS IMPACT FEE/DEDICATION.** Land dedicated for public use or a fee paid by the developer of a new development to the city for the purpose of acquisition and development of public parks, open space, trails, or other similar municipal facilities. (See Chapters 17.19 and 17.29)

**PARKWAY STRIP.** The undeveloped portion of right-of-way between the back of curb and the detached sidewalk. Also known as a Tree Lawn.

**PATIO.** An uncovered outdoor area which is flush with the ground and is usually paved and partially enclosed by the existing dwelling unit, walls, fencing or garage.

**PEDESTRIAN PATH.** A right-of-way or easement dedicated for public pedestrian access or a private path intended for pedestrian use. Also known as a trail.

**PERFORMANCE GUARANTEE.** Cash, letter of credit, escrow and disbursement agreement or bond used for securing the performance of certain obligations, such as, the completion of development improvements.

**PERSON.** The word "person" shall also include association, firm, partnership, or corporation.

**PETITIONER.** See Applicant.

**PHARMACY.** A building, or part of a building, used for the dispensing of medicines or medical supplies only.

**PHASE.** A portion of an approved site-specific development plan for which an approved plat or approved site plan often exists.

**PLANNED UNIT DEVELOPMENT (PUD).** A zone which allows for modification of the normal use, density, size or other zoning restrictions for the development of residential, business, commercial, industrial or other areas as part of a unified planned development for the entire property for purposes identified in Section 17.17.010 of this Title.

**PLANNED UNIT DEVELOPMENT (PUD) GUIDE.** Documents submitted that describe, with written and graphic materials, the provisions for a Planned Unit Development zone. The PUD Guide serves as the primary reference for the zoning standards of a PUD and describes the purposes of the PUD, its land uses, development standards, and construction phasing and other pertinent information.

**PLANNING CLEARANCE.** A permit issued by the City of Fruita that allows development to proceed, a use to be made or maintained or improvements, including structures, to be built or placed in accordance with this Title and with the requirements of the Mesa County Building Department.

**PLANNING COMMISSION.** The City of Fruita Planning Commission.

**PLANT INVESTMENT FEE (TAP FEE).** A charge applied for connecting to the city wastewater collection and treatment system. The fee is dedicated for the improvement and expansion of the city's wastewater treatment plant and lines.

**PLAT.** A map of surveyed and legally described land, which may have appropriate dedications and/or restrictions, which is an instrument for recording of real estate interests with the Mesa County Clerk and Recorder's office.

**PLAYGROUND.** Any property, public or private, used for and equipped with facilities for recreation especially by children. A playground may be incidental to school use but is not limited to school use or school facilities as defined herein.

**PORCH.** A roofed, enclosed or partially enclosed extension of a dwelling unit unheated and usually without windows.

**PRE-CONSTRUCTION MEETING.** A meeting held between the city staff and the developer/contractor prior to the commencement of construction of a building or development.

**PRELIMINARY PLAN.** The map or maps of a proposed development and supporting materials which permit the evaluation of the proposal prior to final detailed engineering and design.

**PRINCIPAL STRUCTURE OR USE.** The main or primary purpose for a structure or use on a parcel of land.

**PRIVATE.** Anything not owned or operated by a governmental entity, political subdivision, or tax-assessing district.

**PRODUCE STAND.** An open air stand for the selling of agricultural products. This stand may be portable for dismantling for moving in an off-season.

**PROFESSIONAL OFFICE.** An office for professionals such as physicians, dentists, lawyers, architects, engineers, artists, musicians, designers, teachers, accountants, and others who, through training, are qualified to perform services of a professional nature, and where no storage or sale of merchandise is permitted, except as a clearly accessory use.

**PROPERTY.** A lot, parcel, tract or other real estate.

**PUBLIC.** Any thing owned or operated by a governmental entity, political subdivision, or tax-assessing district.

**PUBLIC BUILDING.** Any building owned, leased or held by the United States of America, the State of Colorado, Mesa County, the City of Fruita, any school district or other agency or political subdivision, whose building is used for governmental purposes.

**PUBLIC HEARING.** A public meeting for which public notice has been given and an opportunity for public testimony is provided. Usually, a public hearing will be conducted in accordance with Chapter 2.60 of the Fruita Municipal Code.

**PUBLIC MEETING.** A meeting of the Board of Adjustment, Planning Commission, or City Council, which the public may attend, as further defined by State law.

**PUBLIC NOTICE.** Notice to the public of an official public hearing. This notice shall be published as set forth in Section 17.01.130 of this Title.

**PUBLIC SITE.** Property which is owned by a public entity or is open to the public.

**RADIOACTIVITY.** A condition related to various types of radiation emitted by radioactive minerals that occur in deposits of rocks, soils or water.

**RECAPTURE AGREEMENT.** An agreement between a developer and the city or other property owners which sets forth the terms and conditions under which part of the costs of an improvement are recoverable from a subsequent development using the improvement.

**RECEIVING AREA.** City zones that allow a density bonus through the Transfer Development Right/Credit Program: Rural Estate (RE); Rural Residential (RR); South Fruita Residential (SFR), and; Community Mixed Use (CMU).

**RECEIVING SITE.** A property located within the receiving area and participating in the Transferrable Development Rights/Credits (TCR/C) program.

**RECLAMATION.** Rehabilitation of plant cover, soil stability, water resources, and other measures appropriate to the subsequent beneficial use of land.

**RECORDED.** Document(s) of record being placed in the coded files and books of the Mesa County Clerk and Recorder's office.

**RECREATIONAL VEHICLE.** A vehicle that is: 1)built on a single chassis; 2) four hundred (400) square feet or less when measured at the largest horizontal projection; 3)designed to be self propelled or permanently towable by a light duty truck; and 4)designed primarily not for use as a permanent dwelling but as a temporary living quarters for recreational, camping travel or seasonal use.

Recreational vehicles also shall also include the following: truck campers, all watercraft subject to registration by the State of Colorado, all off-road motorcycles, mini-bikes, all-terrain vehicles (ATVs), go-carts and similar vehicles with motor power that are prohibited from operating on a public street by the State of Colorado.

**RECREATIONAL VEHICLE PARK.** Any lot or parcel developed to provide spaces and facilities for the temporary residential use of two (2) or more recreational vehicles. (See Chapter 17.27)

**RECREATIONAL VEHICLE RESORT.** An integrated development where recreational vehicles are used for temporary residential purposes in conjunction with recreational and social centers designed to provide a significant portion of the recreational and social needs of the occupants of the resort. (See Chapter 17.27)

**RECREATIONAL VEHICLE SPACE.** A parcel of land within an approved recreational vehicle park, shown in the records of the City of Fruita Community Development Department, and which was designed and intended for the accommodation of one (1) recreational vehicle.

**RECYCLING CENTER/FACILITY.** A structure or facility in which used material is separated and processed prior to shipment to others who will use those materials to manufacture new products.

**RECYCLING COLLECTION POINT.** An incidental use that serves as a neighborhood drop-off point for temporary storage of recoverable resources with no processing of such items

being allowed. This facility would generally be located on a shopping center parking lot or in other public/quasi-public areas, such as churches and schools.

**REGULATION.** A specific regulatory section of the Fruita Municipal Code or other law, or promulgated pursuant thereto.

**REHABILITATIONS.** Restoration or remodeling of an existing structure.

**RELEASE.** A document signifying the satisfactory completion of a subdivision or development improvement. Releases are typically approved by the City Council at a public hearing.

**RENTAL, HEAVY EQUIPMENT.** The use of any building, land area or other premises for the rental of heavy equipment, large trucks, trailers, or other similar items.

**RENTAL, HOME ORIENTED.** A business providing items for rent generally found or used in and around the home.

**REQUEST.** A writing seeking an approval required under this Title; this is the same as an application.

**RESIDENTIAL.** A land use which is primarily designed as a living and dwelling unit.

**RESIDENTIAL DENSITY-MAXIMUM.** Maximum residential density means the number calculated by dividing the total number of dwelling units or residential lots, by the gross acreage expressed in square feet or acres of the development property. Gross land area includes all of the parcel or property at the time a development application is filed. The "gross residential density" is calculated the same as maximum residential density.

**RESIDENTIAL DENSITY-MINIMUM.** This calculation shall apply to the term "net minimum residential density" as used in this Title. Minimum residential density means the number calculated by dividing the total number of dwelling units or residential lots by the new developable land area of the development parcel.

**RESORT CABIN.** A building accommodating individuals on a term occupancy basis located in areas providing recreational environmental opportunities in rural areas.

**RESTAURANT.** An establishment serving food and beverage.

**RETAINING WALL.** A manmade barrier constructed for the purpose of stabilizing soil, retarding erosion, or terracing a parcel or site. If a retaining wall exceeds four (4) feet on any part of the property, it requires a Planning Clearance.

**REVOCABLE LICENSE OR PERMIT.** A permit issued by the City Council, allowing private development within a public right-of-way or property, which may be revoked, with or without cause, at the discretion of the City Council.

**RIGHT-OF-WAY, PUBLIC.** A strip of land acquired by reservation, dedication, forced dedication, prescription, or condemnation in fee simple and intended to be occupied by a road, crosswalk, railroad, electric transmission lines, oil or gas pipeline, waterline, wastewater line, storm sewer, and other similar uses; generally, the right of one to pass over the property of another.

**ROADWAY.** That portion of the street within a right-of-way and/or easement.

**ROCK FALL.** The rapid freefalling, bounding, sliding, or rolling of large mass of rock(s).

**ROOF LINE.** The highest edge of the roof or the top of parapet, whichever establishes the top line of the structure when viewed in a horizontal plane.

**ROOF PLANE.** See Roof Line.

**SATELLITE DISH.** An antenna, consisting of radiation element(s) that transmit or receive radiation signals, that is supported by a structure, with or without a reflective component, to the radiating dish, usually circular in shape with parabolic curve design constructed of solid or open mesh surface and intended for transmitting or receiving television, radio, microwave signals or other electromagnetic waves to or from earth satellites.

**SCHOOL DISTRICT.** The Mesa County Valley School District No. 51, a school district duly organized under the laws of the State of Colorado, which includes within its boundaries the City of Fruita.

**SCREENING.** Shielding, concealing and effectively hiding from view of a person standing at ground level on an abutting site, or outside the area of the feature so screened by a wall, fence, hedge, berm or any combination of these methods, or any similar architectural or landscaped feature, such as a landscape perimeter strip.

**SECURED/SECURITY.** Cash, escrow fund, letter of credit, bond or other readily available source of money securing the performance of certain obligations.

**SEISMIC EFFECTS.** Direct and indirect effects caused by a natural earthquake or a manmade phenomenon.

**SELF SERVICE STORAGE FACILITY.** A building consisting of individual, small, self-contained units that are leased or owned for the storage of business and household goods or contractor's supplies. Also known as a mini warehouse.

**SELF SERVICE STORAGE YARD.** A secured area for the storage of recreational vehicles, trailers, campers, etc. Not for storage of uncovered business materials, household goods, contractor's supplies or other loose unsecured items.

**SENDING AREA.** An area designated for limited development or to remain undeveloped, such as prime agricultural land, the Cooperative Planning Area (Buffer Zone) and/or an area with significant natural features as shown on the map in the Sending Areas section of the Transfer Development Rights/Credits Manual.

**SENDING SITE.** An eligible property located within a sending area and participating in the Transferrable Development Rights/Credits (TDR/C) program.

**SERVICE LINES.** Electric, gas, communication, cable television, water, wastewater, irrigation and drainage lines providing local distribution, transmission or collection service.

**SERVICE YARD AND ENTRANCE.** An area and entrance to a structure which is used for pickup and delivery of goods and services especially in conjunction with retail and wholesale outlets. These areas are usually provided to accommodate commercial trucks and not for general customer use.

**SETBACK.** The distance that structures are required to be placed from the property lines of a parcel of land or from other established reference points.

**SHRUB.** A woody plant, smaller than a tree, consisting of several small stems from the ground or small branches near the ground; may be deciduous or evergreen.

**SIDEWALK.** A paved walkway along the side of a street.

**SIGN.** Any device, fixture, placard, structure, or part thereof, that uses any color, form, graphic, illumination, symbol, or writing to advertise, announce or identify the purpose of, a person or entity, or to communicate information of any kind to the public.**SIGN, ADDRESS.** A sign which identifies the address and/or occupants of a dwelling or establishment.

**SIGN, ATTACHED.** A sign attached to a building such as a wall sign, projecting sign, awning or canopy sign or window sign. The opposite of a freestanding sign.

**SIGN, AWNING OR CANOPY.** An attached sign that is permanently affixed to a roofed shelter attached to and supported by a building.

**SIGN, CREATIVE.** Unique signs that exhibit a high degree of thoughtfulness and imagination that make a positive visual contribution to the overall image of the city while mitigating the impacts of large signs or sign of unusual design.

**SIGN, CONSTRUCTION.** Temporary signs identifying the development of the property on which the sign is located and may include the builder, contractor or other person furnishing service, materials or labor to the premise during the period of construction, development or lot sales.

**SIGN, COURTESY.** Signs which identify as a courtesy to customers, items such as credit cards accepted, redemption stamps offered, menus or hours of operation.

**SIGN, DIRECTIONAL.** An on-premise sign providing direction to features of a site such as the entrance or exit, bathroom location, additional parking areas, etc.

**SIGN, DOOR.** A sign affixed to a door which identifies the name and address of the establishment.

**SIGN, EXEMPT.** Signs that are exempt from the requirement to obtain a sign permit but are still required to meet the minimum requirements of this Title.

**SIGN, FLASHING.** A sign, which contains an intermittent or flashing light source or a sign which includes the illusion of intermittent or flashing light by means of animation or an externally mounted light source.

**SIGN, FREE STANDING.** A sign structure which is supported by one or more columns, uprights, poles or braces extended from the ground or which is erected on the ground; provided that no part of the structure is attached to any building. The opposite of an attached sign.

**SIGN, IDENTIFICATION.** A sign which displays the address, name and/or use of the parcel upon which the sign is located.

**SIGN, INSTITUTIONAL.** A sign setting forth the name of a public, charitable, educational, or religious institution.

**SIGN, INTEGRAL.** Names of building, dates of erection, monumental citation, commemorative tablets and the like which are carved into stone, concrete or similar material or made of bronze, aluminum, or other permanent type construction and made an integral part of the structure.

**SIGN, MEMORIAL.** Non-commercial signs intending to celebrate or honor the memory of a person or an event.

**SIGNS, MENU.** Signs at restaurants which are not designed to be read from the public right-of-way and are not visible beyond the boundaries of the lot or parcel upon which they are located or from any public thoroughfare or right-of-way.



**SIGN, MONUMENT.** A freestanding sign continuously attached to the ground; the opposite of a pole sign.

**SIGN, OFF-PREMISE.** A sign that directs attention to a commercial business, commodity, service or entertainment conducted, sold or offered at a location other than the premises on which the sign is located, including billboards. The opposite of an on-premise sign.

**SIGN, ON PREMISE.** A sign that advertises a commercial business, commodity, service, or entertainment conducted, sold or offered on the same property on which the sign is located; the opposite of an off-premise sign.

**SIGN, PERMANENT.** A sign which is securely attached to the ground or a structure so that it cannot readily be moved. The opposite of a temporary sign.

**SIGN, POLE.** A freestanding sign erected above the ground on a pole.

**SIGN, POLITICAL.** A sign relating to a candidate, issue, proposition, ordinance or other matter to be voted upon by the electors of the city.

**SIGN, PORTABLE.** A sign that is not permanent, affixed to a building, structure, or the ground. A sign that is mounted or painted or erected upon a vehicle, van, truck, automobile, bus, railroad car or other vehicle shall be considered a portable sign.

**SIGN, PROJECTING.** A sign attached to a structure wall and extending outward from the wall more than twelve (12) inches.

**SIGN, PUBLIC INFORMATION.** Signs which identify restrooms, public telephones, self-service or provide instructions as required by law or necessity and similar informational signs.

**SIGN, REAL ESTATE.** A temporary sign indicating the availability for sale, rent or lease land or buildings and can either be on-premise or off-premise.

**SIGN, REGULATORY.** Signs which provide information regarding specific regulations on a property such as "no trespassing," "no solicitors," "no smoking," etc.

**SIGN, ROOF TOP.** A sign that is mounted on the roof of a building or that is wholly dependent upon a building for support and which projects above the top walk or edge of a building with a flat roof, the eave line of a building with gambrel, gable or hip roof, or the deck line of a building with a mansard roof.

**SIGN, SUBDIVISION.** A sign which identifies only the name of the subdivision located at the entrance to that subdivision.

**SIGN, TEMPORARY.** A sign which is not permanently affixed to the ground or a structure and can be readily removed from its location. The opposite of permanent sign.

**SIGN, TIME AND TEMPERATURE.** Signs displaying the time and temperature only.

**SIGN VARIANCE.** An exception to the numerical requirements of Chapter #41, Signs, which may be approved by the City Council after a public hearing. See also Variance.

**SIGN, VEHICLE.** A sign painted affixed to or otherwise mounted on any vehicle or on any object which is placed on, in or attached to a vehicle. For the purpose of this definition, the term vehicle shall include tucks, buses, vans, railroad cars, automobiles, tractors, trailers, motor homes, semi-tractors or any other motorized or non-motorized transportation device whether such vehicle is in operating condition.

**SIGN, WALL.** A sign attached to, or erected against, the wall of a structure which has the sign face in a plane parallel to the plane of the wall and which does not extend more than twelve (12) inches from the building face.

**SIGN, WIND.** A sign consisting of a series of banners, flags, pennants, ribbons, spinners, streamers, captive balloons, or other objects or material fastened in a manner, which will move when subjected to pressure by wind or breeze.

**SIGN, WINDOW.** A sign that is painted on, applied to or attached to a window or that can be read through the window from the public right-of-way.

**SKETCH PLAN.** Map(s) of a proposed subdivision and supporting documents submitted to evaluate concept, feasibility and design characteristics at an early stage in the planning of a subdivision.

**SMALL HOUSING TYPES.** Dwelling units (including multi-family dwellings) that individually contain less than 1,750 square feet in floor area including garages or covered parking areas.

**STICK BUILT CONSTRUCTION.** A type of construction wherein a complete structure is assembled on a building site from individual pieces of common building materials such as lumber, sheathing, piping, etc. The use of prefabricated sub assemblies such as structural floor, wall, or roof panels, trusses, precast concrete foundation assemblies, and/or insulated concrete form (ICF) construction meet the definition of stick built for the purposes of this Title.

**STORY.** A horizontal division of a building constituting the area between two adjacent levels designed and intended to be a habitable floor.

**STREET, ARTERIAL.** Streets carrying general traffic within the city and providing communication with surrounding territory and which may be part of the federal-aid and state highway connecting links within the city.

**STREET, COLLECTOR.** Streets penetrating neighborhoods and routes serving intra-city rather than statewide travel. A minor amount of through traffic may be carried on a collector street, but the system primarily carries local traffic. Average trip lengths and travel speeds are less than on arterial streets.

**STREET FURNITURE.** Furniture designed for and permitted in the public right-of-way; e.g. benches, bus shelters.

**STREET, LOCAL.** Streets within the city open to public travel and which is not a part of a federal-aid connecting link, state highway, or a street designated as a collector or arterial street.

**STREET, PRIVATE.** Streets not accepted into the City of Fruita street system for maintenance, but maintained by a private homeowners association or private landowners.

**STREET, PUBLIC.** Streets built to the City of Fruita standards and accepted into the City of Fruita street system for maintenance.

**STREETSCAPE.** The landscaping and other man-made objects located within the public right-of-way which add variety and are placed for aesthetic purposes as well as functional, pedestrian guidance and traffic control.

**STRUCTURE.** Anything constructed or erected which requires location on or in the ground or is attached to something having a location on the ground. Structures do not include ditches and their appurtenances, poles, lines, cables, or transmission or distribution facilities of public utilities, freestanding mailboxes, on-grade slabs, walks, driveways, or landscaping materials. A fence is a structure.

**SUBDIVISION.** The division of a lot, tract or parcel of land into two or more lots, tracts parcels or other divisions of land for sale or development.

**SUBDIVISION, PLATTED.** A group of lots, tracts, or parcels of land created by recording a map which meets the requirements of Section 38-51-106, C.R.S., and which shows the boundaries of such lots, tracts, or parcels and the original parcel from which they are created.

**SUBDIVISION IMPROVEMENTS AGREEMENT (SIA).** An agreement between the city and a property owner and developer which provides for the construction, installation and development of improvements associated with a subdivision and includes a performance guarantee and various exactions required by the city, as further described in Chapter 17.21 of this Title.

**SUITABLE SCHOOL LANDS.** Tracts of vacant land lying within areas designated by the School District for school sites or other school facilities and having characteristics rendering such tracts suitable or desirable for development as school sites or facilities, including but not limited to, appropriate size and dimensions, lack of geologic, environmental or topographic barriers to development, reasonable access to utilities, roads and other necessary facilities, including irrigation water, compatible zoning, and proximity to other schools, school facilities and residential areas.

**SURVEYOR.** A land surveyor registered by the State of Colorado.

**SWMM.** Stormwater Management Master Plan as adopted by the city.

**TELECOMMUNICATION FACILITIES.** Cables, wires, lines, wave guides, antennas, other equipment and facilities and any other equipment or facilities associated with the transmission or reception of electromagnetic waves and/or communications which are located or as a part of a tower or antenna support structure.

**TELECOMMUNICATIONS, TOWER.** A self-supporting latticed, guyed or monopole structure constructed from grade which supports a telecommunications facility. The term tower shall not include amateur radio operators' equipment, as licensed by the FCC.

**TEMPORARY USE OR STRUCTURE.** Any use or structure placed on a parcel of land for a non-permanent use of limited duration.

**TOWNHOUSE.** Refers to a single-family dwelling unit that is connected to a similar single-family dwelling unit by one (1) or two (2) common sidewalls. An owner of a townhouse also owns the land area on which the foundation of the townhouse is constructed and may also own portions of the abutting land not occupied by other dwelling units.

**TRACT.** A lot, piece or parcel of land, of greater or less size, the term not importing, in itself, any precise dimension, though term generally refers to a large piece of land.

**TRAFFIC VOLUME.** As calculated, according to national or other city approved objective standards, such as the Institute of Traffic Engineers publication. If an applicant provides proof that actual traffic volume will be different, the city may vary from the approved standards.

**TRAFFIC IMPACT STUDY.** A study prepared by a professional traffic engineer which calculates the relative effect of a proposed development on the local, collector and/or arterial road system.

**TRAIL.** Any off-street pathway designed mainly for non-motorized travel. Also known as a pedestrian path or a bicycle path.

**TRAILHEAD.** The trailhead is the point at which a trail starts. Trailheads often contain rest rooms, maps, sign posts, and distribution centers for informational brochures about the trail and its features, and parking areas for vehicle and trailers.

**TRAIL, LOCAL.** A low volume trail that provides connectivity within and between developments and serves as a connector to primary or other trails.

**TRAIL, PRIMARY.** A continuous trail that provides a major conduit for travel on trail systems and forms the major trail spines throughout the community with connection to a larger regional trail system.

**TRAIL, PRIVATE.** A trail which is privately owned and is not generally open for public use.

**TRAIL, PUBLIC.** A trail that is designed for public use. Public trails can be publicly owned or owned by a private entity such as a homeowners' association but contains a public access easement.

**TRANSFERABLE DEVELOPMENT RIGHTS/CREDITS (TDR/C).** A development rights/credits which has been severed or extinguished from a sending site by deed restriction, conservation easement, or other legal instrument authorized by law and the recording of that instrument, and which is transferable to a receiving site within a specified receiving area, as further described in Chapter 17.09.

**TRANSFER DEVELOPMENT RIGHTS/CREDITS CERTIFICATE.** A negotiable certificate issued by Mesa County evidencing the legal right of the holder thereof to use such certificate to obtain bonus density on a receiving site subject to, and in accordance, with this Land Use Code.

**TRANSFER RATIO.** The value of one (1) TDR/C relative to its use on a receiving site.

**TRANSIENT HOUSING.** Housing or accommodations which are typically occupied by residents for periods of thirty (30) days or less, including, but not limited to hotels, motels, and lodges.

**TRANSMISSION LINES.** Electric lines (115 KW and over) and appurtenant facilities which emanate from a power plant or a substation and terminate at a substation; or pipelines/conveyors (ten (10) inches diameter or larger) and appurtenant facilities for transporting natural resources, chemicals, petroleum derivatives, or waste substances.

**TRAVEL TRAILER.** A vehicle or portable unit mounted on its own chassis and wheels which does not exceed eight (8) feet in width and/or forty (40) feet in length, is drawn by a motor vehicle, and provides temporary living quarters for recreational, camping or travel use.

**TRUCK CAMPER.** A portable unit consisting of a roof, floor and sides designed to be loaded onto, and unloaded from, the bed of a pickup truck, and provides temporary living quarters for recreational, camping or travel use.

**TRUCK PARKING AREA.** An area for the temporary parking of trucks which are often left with motors running and/or refrigerator unit motors operating.

**UNDERGROUND PRESSURIZED IRRIGATION SYSTEM.** A watering system for landscaped areas, consisting of underground, pressurized pipes connected to sprinkler heads, bubbler heads, or drip systems.

**UNSUITABLE OR POTENTIALLY UNSTABLE SLOPE.** An area susceptible to or impeded by rapid erosion, a landslide, a mudflow, a rockfall or accelerated creep of slope forming materials.

**USE.** The purpose for which land or a structure is designed, arranged, intended, or occupied.

**USE, PUBLIC.** A use which is owned by a public entity or is open to the public

**UTILITIES.** Services and facilities provided by public agencies and private companies; such as, electrical and natural gas service, telephone service, water (domestic and irrigation), wastewater disposal, drainage systems, solid waste disposal, etc.

**VACATION OF EASEMENT.** A formal abandonment of an easement by the City Council, or other owner.

**VACATION OF RIGHT-OF-WAY.** A formal abandonment of a public right-of-way by the City Council or Board of County Commissioners in accordance with State law.

**VARIANCE.** An exception from the numerical requirements of this Title excluding the numerical standards contained in Chapter 11. Use variances are not permitted.

**VERTICAL CONTROL.** All drawings with grades shall have at least one benchmark described. If public facilities besides curb, gutter, and sidewalk, or driveways are proposed, then a permanent benchmark must be referenced, with the elevation based upon U.S.G.S. datum. If the existing benchmark is far enough removed from the site that it reasonably cannot be shown on the plan, then the description of the benchmark location shall not only include aliquot corner description, but street reference. Also, all proposed benchmarks must be shown.

**WALL.** Refers to the vertical exterior surface of a building; the vertical interior surfaces that divide a building's space into rooms.

**WASTEWATER COLLECTOR (OR MAIN).** A wastewater line located within public right-of-way or easement generally eight (8) inches in diameter or larger which receives wastewater flows from wastewater laterals and transports these flows to the treatment facility.

**WASTEWATER LATERAL.** A wastewater line which discharges into a wastewater collection line or main.

**WASTEWATER SYSTEM.** A unified collection and treatment system operated by the city for the disposal of sanitary wastewater.

**WATERCOURSE.** An area in which water flows regularly or periodically.

**WILDFIRE HAZARD.** An area containing or directly affected by a hazard from uncontrolled fire in a natural area.

**WILDLIFE HABITAT RESOURCE AREA.** A geographical area containing those elements of food, water, cover, space and general welfare in combination and quantities adequate to support a species for at least a portion of a year. An area need not be occupied by a species in order to be considered a habitat for that species; habitat may include those areas, which were historically occupied and are still suitable for occupancy, are presently occupied, or are potentially suitable though not historically occupied. Significant wildlife habitats are those areas containing, or having significant impact upon, those wildlife habitats in which the wildlife species could be endangered by development, and includes those essential elements of habitat, which, if altered or eliminated, would impair or destroy the area's capability to sustain a wildlife species.

**WOONERF.** A street or group of streets designed primarily to meet the interests of pedestrians and cyclists rather than motorists, opening up the street for social use.

**WORKING DAY.** A business day; those days the Community Development Department is open to the public for business; holidays, Saturdays, and Sundays are not working days.

**XERISCAPE.** Landscape methods, which conserve water through the use of drought-tolerant plants and specialized planting and irrigation techniques.

**YARD.** An existing or required open space on a parcel. A yard is open, unoccupied and unobstructed from the ground to the sky, except as otherwise provided in this Title.

**YARD, FRONT.** A yard extending across the full width and depth of the lot between a front road right-of-way, front lot line or access easement line, and the nearest line or point of the building.

**YARD, FRONT SETBACK.** The minimum horizontal distance required between any building and the front property line.

**YARD, REAR.** A yard extending across the full width and depth of the lot between the rear lot line and the nearest line or point of the building.

**YARD, REAR SETBACK.** The minimum horizontal distance required between any building and the rear property line.

**YARD, SIDE.** A yard extending from the front yard to the rear yard between the side lot line and the nearest line or point of the building.

**YARD, SIDE SETBACK.** The minimum horizontal distance required between any building and the side property line.

**ZERO LOT LINE.** The location of a building on a lot in such a manner that one (1) or more of the buildings sides rests directly on a lot line.

**ZONE.** A particular set of rules and regulations, applied to specific areas identified on the Official Zoning Map, which limits the types and intensity of uses.

Section 2: Chapter 17.04 of the Land Use Code is amended to read as follows:

**Chapter 17.04**  
**LAND USE CATEGORIES**

**Sections:**

**Introduction to Land Use Categories**

17.04.010 Purpose

**Residential Use Categories**

17.04.100 Group Living

17.04.110 Household Living

**Commercial Use Categories**

17.04.200 Commercial Outdoor Recreation

17.04.210 Commercial Parking

17.04.220 Quick Vehicle Servicing

17.04.230 Major Event Entertainment

17.04.240 Vocational and Trade Schools

17.04.250 Office

17.04.260 Retail Sales and Service

17.04.270 Self-Service Storage

17.04.280 Vehicle Repair

**Industrial Use Categories**



- 17.04.300 Industrial Service
- 17.04.310 Manufacturing and Production
- 17.04.320 Warehouse, Freight Movement, and Distribution
- 17.04.330 Waste-Related; Recycling Facilities
- 17.04.340 Wholesale Sales

**Institutional and Civic Use Categories**

- 17.04.400 Basic Utilities, Private and Public
- 17.04.410 Community Service; Government Offices
- 17.04.420 Daycare/Child Care Center
- 17.04.430 Medical Centers
- 17.04.440 Parks and Open Space Areas
- 17.04.450 Religious Institutions and Places of Worship
- 17.04.460 Schools
- 17.04.470 Detention Facilities

**Other Use Categories**

- 17.04.500 Agriculture
- 17.04.510 Mining
- 17.04.520 Radio Frequency Transmission Facilities
- 17.04.530 Utility Corridors

**INTRODUCTION TO LAND USE CATEGORIES**

**17.04.010 PURPOSE.**

This Chapter classifies land uses and activities into use categories on the basis of common functional, product, or physical characteristics, as follows:

- A. Categorization.** Uses are assigned to the category whose description most closely describes the nature of the primary use. The "Characteristics" subsection of each use category describes the characteristics of each use category. Developments may have more than one primary use. Developments may also have one or more accessory uses. It is the intent of this Chapter to group similar or compatible land uses into specific land use categories.
- B. Interpretation.** When a use's category is not clearly identifiable, the Community Development Director may determine the applicable use category or refer the question to the Planning Commission for a public hearing and determination following the procedure under Section 17.07.060. The following is considered to determine what use category the use is in, and whether the activities constitute primary uses or accessory uses:
  - 1. The description of the activity(ies) in relationship to the function and characteristics of each use category;

2. The building or structure type associated with each use category, and the relative amount of site or floor space and equipment devoted to the activity;
3. Relative amounts of sales from each activity;
4. The customer type for each activity;
5. The relative number of employees in each activity;
6. Hours of operation;
7. Building and site arrangement;
8. Vehicles used with the activity;
9. The relative number of vehicle trips generated by the activity;
10. Signs;
11. How the use advertises itself; and
12. Whether the activity would function independently of the other activities on the site.

- C. Developments with multiple primary uses.** When all of the primary uses of a development fall within one use category, then the development is assigned to that use category. For example, a development that contains a retail bakery and a cafe would be classified in the Retail Sales and Service category because all the primary uses are in that category. When the primary uses of a development fall within different use categories, each primary use is classified in the applicable category and is subject to the regulations for that category.
- D. Accessory Uses.** Accessory uses are allowed by right, in conjunction with, the use unless stated otherwise in the regulations. Also, unless otherwise stated, they are subject to the same regulations as the primary use. Typical accessory uses are listed as examples with the categories.
- E. Use of examples.** The "Examples" subsection of each use category provides a list of examples of uses that are included in the use category. The names of uses on the lists are generic. They are based on the common meaning of the terms and not on what a specific use may call itself. For example, a use whose business name is "Wholesale Liquidation" but that sells mostly to consumers, would be included in the Retail Sales and Service category rather than the Wholesale Sales category. This is because the actual activity on the site matches the description of the Retail Sales and Service category. If the use cannot be located within one of the categories provided by this Section, the city may at its discretion refer to appropriate outside sources, such as the Land-Based Classification Standards (LBCS) of the American Planning Association or the North American Industry Classification System (NAICS); however, the City of Fruita is not obligated to consider

these sources and is not liable for any damages resulting from such use, or resulting from future amendments to the LBCS or NAICS.

## **RESIDENTIAL USE CATEGORIES**

### **17.04.100 GROUP LIVING.**

- A. Characteristics.** Group Living is characterized by the residential occupancy of a structure by a group of people who do not meet the definition of Household Living. The size or composition of the group is different than that of a Household. Tenancy is arranged on a month-to-month basis, or for a longer period. Uses where tenancy may be arranged for a shorter period are not considered residential. They are considered to be a form of transient lodging (see the Retail Sales and Service and Community Service categories). Generally, Group Living structures typically have a common eating area for residents, though individual units may have a kitchen. The residents may or may not receive any combination of care, training, or treatment, as long as they also reside at the site.
  
- B. Accessory Uses.** Accessory uses commonly found are recreational facilities, parking of autos for the occupants and staff, and parking of vehicles for the facility.
  
- C. Examples.** Examples include dormitories; fraternities and sororities; monasteries and convents; nursing and convalescent homes; assisted living and similar retirement facilities where some level of daily care is provided by on-site staff; some group homes for the physically disabled, mentally retarded, or emotionally disturbed; some residential programs for drug and alcohol treatment; and alternative or post incarceration facilities. Group Living includes Large and Small Group Homes.
  
- D. Exceptions.**
  - 1. Lodging where tenancy may be arranged for periods less than one (1) month is considered a hotel or motel use (or hospital) and is classified in the Retail Sales and Service or other category. However, in certain situations, lodging where tenancy may be arranged for periods less than one (1) month may be classified as a Community Service use such as publicly assisted, short term housing.
  
  - 2. Lodging where the residents meet the definition of Household, and where tenancy is arranged on a month-to-month basis, or for a longer period is classified as Household Living.
  
  - 3. Facilities for people who are under judicial detainment and are under the supervision of sworn officers are included in the Detention Facilities category.

4. Bed and Breakfast.

**17.04.110 HOUSEHOLD LIVING.**

- A. Characteristics.** Household Living is characterized by the residential occupancy of a dwelling unit by a household. Where units are rented, tenancy is arranged on a month-to-month basis, or for a longer period. Uses where tenancy may be arranged for a shorter period are not considered residential. They are considered to be a form of transient lodging (see the Retail Sales and Service and Community Service categories). Apartment complexes that have accessory services such as food service, dining rooms, and housekeeping are included as Household Living. Single Room Occupancy (SRO) housing, that do not have totally self-contained dwelling units (i.e., with kitchen and wash room facilities) are also included if at least two thirds of the units are rented on a monthly basis. SROs may have a common food preparation area, but meals are prepared individually by the residents. In addition, temporary medical hardship dwellings, and residential homes as defined by the State of Colorado, are included in the Household Living category.
- B. Accessory Uses.** Accessory uses commonly found are private yards and gardens, private recreational activities, raising of pets, hobbies, home occupations (subject to Code requirements), and parking of the occupants' vehicles, but not including residential occupancy of any vehicle. Home occupations, accessory dwelling units, and bed and breakfast facilities are accessory uses that are subject to additional regulations.
- C. Examples.** Uses include living in houses, duplexes, apartments, condominiums, retirement center apartments (not otherwise categorized as Group Living), manufactured housing, and other structures with self-contained and permitted dwelling units. Examples also include living in Single Room Occupancy housing, if the provisions are met regarding length of stay and separate meal preparation.
- D. Exceptions.**
1. For purposes of this code, a recreational vehicle is not considered a dwelling.
  2. Lodging in a dwelling unit or Single Room Occupancy Hotel (SRO) where less than two thirds of the units are rented on a monthly basis or longer is considered a hotel or motel use and is classified in the Retail Sales and Service category. SROs which include common dining are classified as Group Living.
  3. Guest houses that contain kitchen facilities are not accessory to Household Living uses; such houses may be allowed as Accessory Dwellings or as part of a multifamily development, subject to applicable code requirements.

- 4 In certain situations, lodging where tenancy may be arranged for periods less than one (1) month may be classified as a Community Service use, such as publicly assisted, short term housing or mass shelter in the event of an emergency declared by a government agency.

### **COMMERCIAL USE CATEGORIES**

#### **17.04.200 COMMERCIAL OUTDOOR RECREATION.**

- A. Characteristics.** Commercial Outdoor Recreation uses are large, generally commercial uses that provide continuous or temporary recreation or entertainment oriented activities. They generally take place outdoors. They may take place in a number of structures, which are arranged together in an outdoor setting. (Temporary uses are subject to Section 17.07. 070L.)
- B. Accessory Uses.** Accessory uses may include concessions, restaurants, parking, caretaker's quarters, and maintenance facilities.
- C. Examples.** Examples include amusement parks, theme parks, golf driving ranges, farmer's market, flea market, arts and crafts fair, miniature golf facilities, and similar commercial venues.
- D. Exceptions.**
1. Golf courses, including up to two thousand (2,000) square feet of accessory commercial floor area (e.g., clubhouse, restaurant, equipment sales and rental) are classified as Parks and Open Space. Golf courses with a commercial component exceeding two thousand (2,000) square feet commercial floor area are considered Retail Sales and Service.
  2. Uses that draw large numbers of people to periodic events, rather than on a continuous basis, are classified as Major Entertainment Event.

#### **17.04.210 COMMERCIAL PARKING.**

- A. Characteristics.** Commercial Parking facilities provide parking that is not accessory to a specific use. A fee may or may not be charged. A facility that provides both accessory parking for a specific use and regular fee parking for people not connected to the use is also classified as a Commercial Parking facility.
- B. Accessory Uses.** In a parking structure only, accessory uses may include car washing, and vehicle repair activities.

- C. **Examples.** Examples include short- and long-term fee parking facilities, commercial district shared parking lots, commercial shuttle parking, and mixed parking lots (partially for a specific use, partly for rent to others).
- D. **Exceptions.**
1. Parking facilities that are accessory to a use, but which charge the public to park for occasional events nearby, are not considered Commercial Parking facilities.
  2. Parking facilities that are accessory to a primary use are not considered Commercial Parking uses, even if the operator leases the facility to the primary use or charges a fee to the individuals who park in the facility.

#### **17.04.220 QUICK VEHICLE SERVICING.**

- A. **Characteristics.** Quick Vehicle Servicing uses provide direct services for motor vehicles where the driver generally waits in the car before and while the service is performed. The development will include a drive-through facility, the area where the service is performed. Vehicle fueling stations are always classified as a primary use (Quick Vehicle Servicing), rather than an accessory use, even when the fueling component comprises less land than other uses of the site.
- B. **Accessory Uses.** Accessory uses may include auto repair and tire sales, mini mart or similar convenience retail uses.
- C. **Examples.** Examples include full-serve and mini-serve gas stations, unattended card key stations, car washes, and quick lubrication services where service is typically provided in less than one hour.
- D. **Exceptions.**
1. Refueling facilities for the vehicles that belong to a specific use (fleet vehicles) which are on the site where the vehicles are kept, are accessory to the use.

#### **17.04.230 MAJOR ENTERTAINMENT EVENT.**

- A. **Characteristics.** Major Entertainment Event uses are characterized by activities and structures that draw large numbers of people to specific events or shows. Activities are generally of a spectator nature.
- B. **Accessory Uses.** Accessory uses may include restaurants, bars, concessions, parking, and maintenance facilities.

**C. Examples.** Examples include sports arenas, race tracks (auto, horse, dog, etc.), auditoriums, exhibition and meeting areas, concert halls, outdoor amphitheaters, and fairgrounds.

**D. Exceptions.**

1. Exhibition and meeting areas with less than ten thousand (10,000) square feet of total event area are classified as Retail Sales and Service.
2. Banquet halls that are part of hotels or restaurants are accessory to those uses, which are included in the Retail Sales and Service category.
3. Theaters, including drive-in theaters, are classified as Recreation and Entertainment.

**17.04.240 VOCATIONAL AND TRADE SCHOOLS.**

**A. Characteristics.** Vocational and Trade Schools uses are characterized by activities conducted in an office setting and generally focusing on serving students with vocational education, or supplemental academic education, enrichment, and/or tutoring.

**B. Accessory Uses.** Accessory uses may include incidental retail (e.g., sale of instructional materials), parking, or other amenities primarily for the use of customers and employees.

**C. Examples.** Examples include vocational schools, tutoring centers, computer classes, after school learning centers for grades K-12, and arts and crafts classes.

**17.04.250 OFFICE.**

**A. Characteristics.** Office uses are characterized by activities conducted in an office setting and generally focusing on business, government, professional, medical, or financial services.

**B. Accessory Uses.** Accessory uses may include cafeterias, health facilities, parking, or other amenities primarily for the use of employees in the firm or building.

**C. Examples.** Examples include professional services such as lawyers, accountants, engineers, or architects; financial businesses such as lenders, brokerage houses, bank headquarters, or real estate agents; data processing; sales offices; government offices and public utility offices; TV and radio studios; medical and dental clinics, and medical and dental labs.

**D. Exceptions.**

1. Offices that are part of and are located with a firm in another category may be considered accessory to the firm's primary activity. Headquarters offices, when in conjunction with or adjacent to a primary use in another category, are considered part of the other category.
2. Contractors and others who perform construction or similar services off-site are included in the Office category if equipment and materials are not stored on the site and fabrication, services, or similar work is not carried on at the site.
3. Governmental offices may be classified as Office, Community Service, or other use based on the use's predominate function.

#### **17.04.260 RETAIL SALES AND SERVICE.**

- A. Characteristics.** Retail Sales and Service firms are involved in the sale, lease or rent of new or used products to the general public. They may also provide personal services or entertainment, or provide product repair or services for consumer and business goods.
- B. Accessory Uses.** Accessory uses may include offices, storage of goods, manufacture or repackaging of goods for on-site sale, and parking, subject to applicable Code requirements.
- C. Examples.** Examples include uses from the four subgroups listed below:
  1. Sales-oriented: Stores selling, leasing, or renting consumer, home, and business goods including art, art supplies, bicycles, clothing, dry goods, electronic equipment, fabric, furniture, garden supplies, gifts, groceries, hardware, home improvements, household products, jewelry, pets, pet food, pharmaceuticals, plants, printed material, stationery, and videos; food sales, and sales or leasing of consumer vehicles including passenger vehicles, motorcycles, light and medium trucks, and other recreational vehicles.
  2. Personal service-oriented: Branch banks; urgency medical care; laundromats; photographic studios; photocopy and blueprint services; hair, tanning, and personal care services; tax preparers, accountants, real estate, legal, financial services; business, martial arts, and other trade schools; dance or music classes; taxidermists; mortuaries; veterinarians; kennels limited to boarding, with no breeding; and animal grooming.
  3. Entertainment-oriented: Restaurants, cafes, delicatessens, taverns, and bars
  4. Repair-oriented: Repair of TVs, bicycles, clocks, watches, shoes, guns, appliances and office equipment; photo or laundry drop off; quick printing; recycling drop-off; tailor; locksmith; and upholsterer.



**D. Exceptions.**

1. Lumber yards and other building material sales that sell to contractors and not retail customers are classified as Wholesale Sales.
2. Indoor or outdoor continuous entertainment activities such as bowling alleys, ice rinks, and game arcades; pool halls; indoor firing ranges; theaters, health clubs, gyms, membership clubs, and lodges; hotels, motels, recreational vehicle parks, and other temporary lodging with an average length of stay of less than 30 days are classified as Recreation and Entertainment.
3. Repair and service of consumer motor vehicles, motorcycles, light and medium trucks and small personal transportation devices (e.g., electric carts) and garden tractors, is classified as Vehicle Repair. Repair and service of industrial vehicles and equipment, including farm, construction and other heavy equipment, and heavy trucks is classified as Vehicle Repair.
4. Hotels, restaurants, and other services that are part of a truck stop are considered accessory to the truck stop which is classified as Commercial Vehicle Servicing.
5. In certain situations, hotels and motels may be classified as a Community Service use, such as publicly assisted, short term housing or mass shelter in the event of an emergency declared by a government agency. See Community Services.

**17.04.270 SELF-SERVICE STORAGE.**

- A. Characteristics.** Self-Service Storage uses provide separate storage areas for individual or business uses. The storage areas are designed to allow private access by the tenant for storing personal property.
- B. Accessory Uses.** Accessory uses may include security and leasing offices. Living quarters for one (1) resident manager per site are allowed. Other living quarters are subject to the regulations for Residential Uses. Use of the storage areas for sales, service and repair operations, or manufacturing is not considered accessory to the Self-Service Storage use. The rental of trucks or equipment is also not considered accessory to a Self-Service Storage use.
- C. Examples.** Examples include single story and multistory facilities that provide individual storage areas for rent; these uses are also called mini warehouses. Secured yards providing storage areas for recreational vehicles.
- D. Exceptions.** A transfer and storage business where any individual storage areas are incidental to transfer and storage operations, or where employees are the primary movers

of the goods to be stored or transferred, is in the Warehouse and Freight Movement category.

#### **17.04.280 VEHICLE REPAIR.**

- A. Characteristics.** Firms servicing passenger vehicles, light and medium trucks and other consumer motor vehicles such as motorcycles, boats and recreational vehicles. Generally, the customer does not wait at the site while the service or repair is being performed. (Different than Quick Vehicle Services category.)
- B. Accessory Uses.** Accessory uses may include offices, sales of parts, and vehicle storage.
- C. Examples.** Examples include vehicle repair, transmission or muffler shop, auto body shop, alignment shop, auto upholstery shop, auto detailing, and tire sales and mounting.
- D. Exceptions.** Repair and service of industrial vehicles and equipment, and of heavy trucks; and towing and vehicle storage including heavy vehicle storage are classified as Industrial Service.

### **INDUSTRIAL USE CATEGORIES**

#### **17.04.300 INDUSTRIAL SERVICE.**

- A. Characteristics.** Industrial Service firms are engaged in the repair or servicing of industrial, business or consumer machinery, equipment, products or by-products. Firms that service consumer goods do so by mainly providing centralized services for separate retail outlets. Contractors and building maintenance services and similar uses perform services off-site. Few customers, especially the general public, come to the site.
- B. Accessory Uses.** Accessory uses may include offices, parking, storage, rail spur or lead lines, and docks.
- C. Examples.** Examples include welding shops; machine shops; tool repair; electric motor repair; repair of scientific or professional instruments; sales, repair, or storage of heavy machinery, metal, and building materials; towing and vehicle storage; heavy truck servicing and repair; building, heating, plumbing or electrical contractors; printing, publishing and lithography; exterminators; recycling operations; janitorial and building maintenance services; fuel oil distributors; solid fuel yards; research and development laboratories; dry-docks and the repair or dismantling of ships and barges; laundry, dry-cleaning, and carpet cleaning plants; and photofinishing laboratories.
- D. Exceptions.**

1. Contractors and others who perform Industrial Services off-site are included in the Office category, if equipment and materials are not stored at the site, and fabrication, or similar work is not carried on at the site.
2. Hotels, restaurants, and other services that are part of a truck stop are considered accessory to the truck stop.

#### **17.04.310 MANUFACTURING AND PRODUCTION.**

- A. Characteristics.** Manufacturing and Production firms are involved in the manufacturing, processing, fabrication, packaging, or assembly of goods. Natural, man-made, raw, secondary, or partially completed materials may be used. Products may be finished or semi-finished and are generally made for the wholesale market, for transfer to other plants, or to order for firms or consumers. Goods are generally not displayed or sold on site, but if so, they are a subordinate part of sales. Relatively few customers come to the manufacturing site, as distinguished from Retail Sales and Services where customers routinely come to the business.
- B. Accessory Uses.** Accessory uses may include offices, cafeterias, parking, employee recreational facilities, warehouses, storage yards, rail spur or lead lines, docks, repair facilities, or truck fleets. Living quarters for one (1) caretaker per site are allowed. Other living quarters are subject to the regulations for Residential Uses.
- C. Examples.** Examples include processing of food and related products; catering establishments; breweries, distilleries, and wineries; slaughter houses, and meat packing; feed lots and animal dipping; weaving or production of textiles or apparel; lumber mills, pulp and paper mills, and other wood products manufacturing; woodworking, including cabinet makers; production of chemical, rubber, leather, clay, bone, plastic, stone, or glass materials or products; movie production facilities; ship and barge building; concrete batching and asphalt mixing; production or fabrication of metals or metal products including enameling and galvanizing; manufacture or assembly of machinery, equipment, instruments, including musical instruments, vehicles, appliances, precision items, and other electrical items; production of artwork and toys; sign making; production of prefabricated structures, including mobile homes; and the production of energy.
- D. Exceptions.**
1. Manufacturing of goods to be sold primarily on-site and to the general public is classified as Retail Sales and Service; where the majority of traffic to the business is for retail sales and the manufacturing use is entirely indoors, the use will be categorized as Retail Sales and Service.
  2. Manufacture and production of goods from composting organic material is classified as Waste-Related uses.

#### **17.04.320 WAREHOUSE, FREIGHT MOVEMENT AND DISTRIBUTION.**

- A. Characteristics.** Warehouse, Freight Movement, and Distribution involves the storage, or movement of goods for the subject firm or other firms, including goods that are generally delivered to the final consumer. There is little on-site sales activity with the customer present, except for some will-call pickups.
- B. Accessory Uses.** Accessory uses may include offices, truck fleet parking and maintenance areas, rail spur or lead lines, docks, repackaging of goods, and will-call pickups.
- C. Examples.** Examples include separate or off-site warehouses used by retail stores such as furniture and appliance stores; household moving and general freight storage; cold storage plants, including frozen food lockers; storage of weapons and ammunition; major wholesale distribution centers; truck, marine, or air freight terminals; bus barns; parcel services; major post offices; grain terminals; and the stockpiling of sand, gravel, or other aggregate materials.
- D. Exceptions.**
  - 1. Uses that involve the transfer or storage of solid or liquid wastes are classified as Waste-Related uses.
  - 2. Mini-warehouses are classified as Self-Service Storage uses.

#### **17.04.330 WASTE-RELATED AND RECYCLING FACILITIES.**

- A. Characteristics.** Waste-Related uses are characterized by uses that receive solid or liquid wastes from others for disposal on the site or for transfer to another location, uses that collect sanitary wastes, or uses that manufacture or produce goods or energy from the biological decomposition of organic material. Waste-Related uses also include commercial or industrial uses that receive, store, sort, and distribute post-consumer recyclable materials; and those that receive hazardous wastes from others and are subject to the regulations of OAR 340. 100-110, Hazardous Waste Management.
- B. Accessory Uses.** Accessory uses may include offices, repackaging and transshipment of by-products, and recycling of materials.
- C. Examples.** Examples include sanitary landfills, limited use landfills, waste composting, energy recovery plants, sewer treatment plants, portable sanitary collection equipment storage and pumping, recycling centers, and hazardous-waste-collection sites.
- D. Exceptions.**

1. Disposal of clean fill, as defined in OAR 340-093-0030, is considered a fill, not a Waste-Related use.
2. Sewer pipes that serve a development are considered a Basic Utility.
3. Excavation is considered Development or Mining, as applicable.

#### **17.04.340 WHOLESALE SALES.**

- A. **Characteristics.** Wholesale Sales firms are involved in the sale, lease, or rent of products primarily intended for industrial, institutional, or commercial businesses. The uses emphasize on-site sales or order taking and often include display areas. Businesses may or may not be open to the general public, but sales to the general public are limited as a result of the way in which the firm operates. Products may be picked up on site or delivered to the customer.
- B. **Accessory Uses.** Accessory uses may include offices, product repair, warehouses, parking, minor fabrication services, and repackaging of goods.
- C. **Examples.** Examples include sale or rental of machinery, equipment, heavy trucks, building materials, special trade tools, welding supplies, machine parts, electrical supplies, janitorial supplies, restaurant equipment, and store fixtures; mail order houses; and wholesalers of food, clothing, auto parts, building hardware, and office supplies.
- D. **Exceptions.**
  1. Firms that engage primarily in sales to the general public are classified as Retail Sales and Service.
  2. Firms that engage in sales on a membership basis are classified as either Retail Sales and Service or Wholesale Sales, based on a consideration of characteristics of the use and the customer traffic generated.
  5. Firms that are primarily storing goods with little on-site business activity are classified as Warehouse, Freight Movement, and Distribution.

### **INSTITUTIONAL AND CIVIC USE CATEGORIES**

#### **17.04.400 BASIC UTILITIES, PRIVATE OR PUBLIC.**

- A. **Characteristics.** Basic Utilities are infrastructure services which need to be located in or near the area where the service is provided. Basic Utility uses generally do not have

regular employees at the site. Services may be public or privately provided. All public safety facilities are Basic Utilities.

- B. Accessory Uses.** Accessory uses may include parking; control, monitoring, data or transmission equipment.
- C. Examples.** Examples include water and sewer pump stations; sewage disposal and conveyance systems; electrical substations; water towers and reservoirs; water quality and flow control facilities; water conveyance systems; stormwater facilities and conveyance systems; telephone exchanges; bus stops or turnarounds, suspended cable transportation systems, and public safety facilities, and emergency communication broadcast facilities when not accessory to a different primary use; except fire and police stations and holding cells within a police standard are Community Services or Offices.
- D. Exceptions.**
  1. Services where people are generally present, other than bus stops or turnarounds, and public safety facilities, are classified as Community Services or Offices.
  2. Utility offices where employees or customers are generally present are classified as Offices.
  3. Bus barns and similar facilities are classified as Warehouse and Freight Movement.
  4. Public or private passageways, including easements, for the express purpose of transmitting or transporting electricity, gas, oil, water, sewage, communication signals, or other similar services on a regional level are classified as Rail Lines and Utility Corridors.

#### **17.04.410 COMMUNITY SERVICES; GOVERNMENT OFFICES.**

- A. Characteristics.** Community Services are uses of a public, nonprofit, or charitable nature generally providing a local service to people of the community, except for Schools which are categorized separately. Generally, they provide the service on the site or have employees at the site on a regular basis. The service is ongoing, not just for special events. Private lodges, clubs, and non-profit athletic or health clubs that have membership provisions are open to the general public to join at any time may be considered a Community Service. Uses providing mass shelter or short term housing where tenancy may be arranged for periods of less than one (1) month when operated by a public or non-profit agency may also be considered a Community Service. The use may also provide special counseling, education, or training of a public, nonprofit or charitable nature.

- B. Accessory Uses.** Accessory uses may include offices; meeting areas; food preparation areas; parking, health and therapy areas; daycare uses; and athletic facilities.
- C. Examples.** Examples include city hall, county government and administrative offices, fire and police stations, libraries, museums, senior centers, community centers, publicly owned swimming pools, youth club facilities, hospices, ambulance stations, drug and alcohol centers, social service facilities, mass shelters or short term housing when operated by a public or non-profit agency, vocational training for the physically or mentally disabled, soup kitchens, and surplus food distribution centers.
- D. Exceptions.**
1. Private commercial athletic clubs, golf clubs (e.g., clubhouse or restaurant exceeding 2,000 square feet of floor area), and private museums and similar commercial uses are classified as Retail Sales and Services.
  2. Parks are in Parks and Open Areas.
  3. Uses where tenancy is arranged on a month-to-month basis, or for a longer period are residential, and are classified as Household or Group Living.
  4. Public safety facilities are classified as Basic Utilities.

#### **17.04.420 DAYCARE/CHILD CARE CENTER.**

- A. Characteristics.** Daycare and Child Care Center uses include day or evening care of two (2) or more children or adults outside of their primary place of residence. See also, Daycare Home which is a different use category.
- B. Accessory Uses.** Accessory uses include: offices, play areas, and parking.
- C. Examples.** Examples include preschools, nursery schools, latch key programs, and adult daycare programs.
- D. Exceptions.** Daycare and Child Care Center uses do not include care given by the parents, guardians, or relatives of the children or adults, or by babysitters. Daycare use also does not include care given by a "family daycare" provider as defined by State law if the care is given to eight (8) or fewer children or adults at any one time not including the children of the provider. Daycare does not include public or private schools or facilities operated in connection with an employment use, shopping center or other principal use, where children are cared for while parents or guardians are occupied on the premises or in the immediate vicinity.

#### **17.04.430 MEDICAL CENTERS.**

- A. **Characteristics.** Medical Centers includes uses providing medical or surgical care to patients and may offer overnight care.
- B. **Accessory Uses.** Accessory uses include out-patient clinics, offices, laboratories, teaching facilities, meeting areas, cafeterias, parking, maintenance facilities, and housing facilities for staff or trainees.
- C. **Examples.** Examples include hospitals and medical complexes that include hospitals. Medical clinics (medical, dental, vision, and similar clinics) that provide care where patients are generally not kept overnight and urgency medical care clinics not otherwise part of a Medical Center also are included as examples.
- D. **Exceptions.** Uses that provide exclusive care and planned treatment or training for psychiatric, alcohol, or drug problems, where patients are residents of the program, are classified in the Group Living category.

#### **17.04.440 PARKS AND OPEN SPACE AREAS.**

- A. **Characteristics.** Parks and Open Space Areas are uses of land focusing on natural areas, public or private parks consisting mostly of playfields, playgrounds, turf or similar facilities for outdoor recreation, community gardens, trails, or public squares. Parks and open space areas tend to have few structures and structures are accessory to the primary park, trail, or outdoor recreation use.
- B. **Accessory Uses.** Accessory uses may include club houses, maintenance facilities, concessions (as with athletic fields), caretaker's quarters, and parking.
- C. **Examples.** Examples include parks, golf courses, cemeteries, public squares, plazas, recreational trails, community garden plots, botanical gardens, boat launching areas, nature preserves, and open space that is approved through design review and is not part of an Agricultural use.

#### **17.04.450 RELIGIOUS INSTITUTIONS AND PLACES OF WORSHIP.**

- A. **Characteristics.** Religious Institutions are intended to primarily provide meeting areas for religious activities.
- B. **Accessory Uses.** Accessory uses include Sunday school facilities, parking, caretaker's housing, one transitional housing unit, and group living facilities such as convents. A transitional housing unit is a housing unit for one (1) household where the average length of stay is less than sixty (60) days. Religious schools, when accessory to a religious institution, are different than a school as a primary use. Additional housing may be



permitted as a primary use on the same site as a Religious Institution or Place of Worship subject to applicable Code requirements.

- C. **Examples.** Examples include churches, temples, synagogues, and mosques.

#### **17.04.460 SCHOOLS.**

- A. **Characteristics.** This category includes public and private schools, secular or parochial, at the primary, elementary, middle, junior high, or high school level that provide state mandated basic education.
- B. **Accessory Uses.** Accessory uses include play areas, cafeterias, recreational and sport facilities, auditoriums, and before- or after-school daycare.
- C. **Examples.** Examples include public and private daytime schools, boarding schools and military and similar academies.
- D. **Exceptions.**
1. Preschools are classified as Child Care uses.
  2. Business and trade schools are classified as Vocational Schools.

#### **17.04.470 DETENTION FACILITIES.**

- A. **Characteristics.** This category includes law enforcement incarceration facilities that are not accessory to a police station or law enforcement office.
- B. **Accessory Uses.** Accessory uses include visitor areas, cafeterias, recreational and sport facilities, and educational facilities.
- C. **Examples.** Examples include short- and long-term city, county, state, or federal law enforcement facilities, at any designated level of security.
- D. **Exceptions.** Does not include police station holding cells and similar temporary incarceration facilities.

### **OTHER USE CATEGORIES**

#### **17.04.500 AGRICULTURE.**

- A. **Characteristics.** Agriculture includes activities that raise, produce or keep plants or animals.

- B. Accessory Uses.** Accessory uses include dwellings for proprietors and employees of the use, and animal training and veterinary services.
- C. Examples.** Examples include breeding or raising of fowl or other animals; dairy farms; stables; riding academies; kennels or other animal boarding places; veterinary services; farming, truck gardening, horticulture and wholesale plant nurseries.
- D. Exceptions.**
  1. Processing of animal or plant products, including milk, and feed lots, are classified as Manufacturing and Production.
  2. Livestock auctions are classified as Wholesale Sales.
  3. Plant nurseries that are oriented to retail sales are classified as Retail Sales and Service.
  4. When kennels are limited to boarding, with no breeding, or small animal veterinary services are provided without exterior holding pens, the city may determine the use category is Agriculture or Retail Sales and Service.

#### **17.04.510 MINING AND SIMILAR EXTRACTIVE INDUSTRIES.**

- A. Characteristics.** Mining includes mining or extraction of mineral or aggregate resources from the ground for off-site use.
- B. Accessory Uses.** Accessory uses include storage, sorting, stockpiling, or transfer off-site of the mined material.
- C. Examples.** Examples include quarrying or dredging for sand, gravel or other aggregate materials; mining; and oil, gas, or geothermal drilling. Note: Planning clearance is required prior to any grading or clearing of vegetation from a site, even if the intended use is not Mining. In such case, the land use designation is the same as that for which the clearing or grading is proposed. Other permit requirements may also apply.

#### **17.04.520 RADIO FREQUENCY TRANSMITTING FACILITIES.**

- A. Characteristics.** Radio Frequency Transmission Facilities includes all devices, equipment, machinery, structures or supporting elements necessary to produce non-ionizing electromagnetic radiation within the range of frequencies from 100 KHz to 300 GHz and operating as a discrete unit to produce a signal or message. Towers may be self supporting, guyed, or mounted on poles or buildings.
- B. Accessory Uses.** Accessory use may include transmitter facility buildings.

- C. **Examples.** Examples include broadcast towers, communication/cell towers, and point-to-point microwave towers.
- D. **Exceptions.**
  - 1. Receive-only antennae are not included in this category.
  - 2. Radio and television studios are classified in the Office category.
  - 3. Radio Frequency Transmission Facilities that are public safety facilities are classified as Basic Utilities.

**17.04.530 UTILITY CORRIDORS.**

- A. **Characteristics.** The category includes public or private passageways, including easements, for the express purpose of transmitting or transporting electricity, gas, oil, water, sewage, communication signals, natural gas, or other similar services on a regional level.
- B. **Examples.** Examples include regional electrical transmission lines; and regional gas and oil pipelines.
- C. **Exceptions.** Utilities exclusively serving the City of Fruita (e.g., utilities placed within a street or trail right-of-way or easement in conjunction with an approved subdivision) are not classified as utility corridors.

Section 3: Chapter 17.07 of the Land Use Code is amended to read as follows:

**Chapter 17.07**  
**ZONING - USES AND GENERAL REQUIREMENTS**

**Sections:**

- 17.07.010** Establishment of Zones
- 17.07.020** Incorporation of Official Zoning Map
- 17.07.030** Zoning Names
- 17.07.040** Zoning Boundaries
- 17.07.050** Application of Zoning Regulations
- 17.07.060** Zoning Uses and Requirements
- 17.07.070** Supplemental Zoning Regulations and Standards
- 17.07.080** Land Use Compatibility Criteria
- 17.07.090** Legal Non-Conforming Uses, Structures, and Lots

**17.07.010 ESTABLISHMENT OF ZONES.** To carry out the purposes of the Master Plan and the purposes and provisions of this Title, the incorporated area of the City of Fruita is hereby divided into the following zones for the purposes set forth below:

- A. Agricultural Residential (AR). The purpose of the AR zone is to allow low density rural residential and agricultural uses, to preserve and enhance the rural character of the outlying areas of Fruita, and discourage inappropriate or premature urban development. The AR zone allows one dwelling unit per ten (10) gross acres.
- B. Rural Estate (RE). The purpose of the RE zone is to preserve the natural and agricultural landscape as a transition between the Rural Residential (RR) zone, AR zone, and the community separator through minimum requirements and incentives for rural land preservation and clustered residential lots. The RE zone allows one (1) dwelling unit per three (3) gross acres. A density of one (1) dwelling unit per two (2) gross acres may be allowed pursuant to the density bonus provisions of Chapter 17.08 and the transferable development rights/credits provisions under Chapter 17.09.
- C. Rural Residential (RR). The purpose of the RR zone is to allow low density residential uses as a transition between the Community Mixed Use (CMU) and RE zones. The RR zone allows one (1) dwelling unit per one (1) gross acre. A density of two (2) dwelling units per gross acre may be allowed pursuant to the density bonus provisions of Chapter 17.08 and the transferable development rights/credits provisions under Chapter 17.09.
- D. Community Residential (CR). The purpose of the CR zone is to allow for moderate density single-family residential detached neighborhoods with the inclusion of other housing types such as attached dwelling units (e.g. apartments and townhouses).
- E. Large Lot Residential (LLR). The purpose of the LLR zone is to allow larger lot developments in the same areas as the CR zone and other areas as appropriate. The LLR zone allows a maximum density of three (3) dwelling units per acre.
- F. South Fruita Residential (SFR). The purpose of the SFR zone is to accommodate a residential use at a density of two (2) dwelling units per gross acre; a density of up to three (3) dwelling units per gross acre may be allowed pursuant to the density bonus provisions of Chapter 17.08 and the transferable development rights/credits provisions under Chapter 17.09.
- G. Downtown Mixed Use (DMU). The purpose of the DMU zone is to maintain and enhance downtown as a vibrant, pedestrian-oriented commercial and residential area and as the civic heart of the community. Mixed use development, such as commercial on the ground floor and residential above the ground floor is encouraged within this zone. The intent of this zone with regard to housing is to allow existing residential uses and provide housing options within walking distance of commercial and civic uses without compromising the integrity of the downtown commercial core. Where the DMU zone

allows housing, a residential density of twelve (12) dwelling units per gross acre is permitted.

- H. Community Mixed Use (CMU). The CMU zone implements the Community Mixed Use designation in the Fruita Community Plan. This zone is intended to establish walkable neighborhoods that are residential in scale and character, integrating a variety of housing, open spaces, and community services. The CMU zone has a required minimum density of two (2) dwelling units per gross acre to ensure the efficient and cost-effective provisions of urban infrastructure. The zone allows up to five (5) dwelling units per gross acre pursuant to the density bonus provisions of Chapters 17.08 and the transferable development rights/credits provisions under Chapter 17.09.
- I. Monument Preservation (MP). The MP zone is intended to provide a recreational and environmental buffer between the Colorado National Monument and Bureau of Land Management lands, and urban development with low intensity uses that preserve open space quality. The MP zone allows a maximum density of one (1) dwelling unit per two (2) gross acres.
- J. Tourist Commercial (TC). The TC zone provides for development and enhancement of commercial areas and tourist-oriented services in the vicinity of State Highway 340. Development in the TC zone must meet context-sensitive design standards for architecture and site design.
- K. General Commercial (GC). The GC zone is intended to accommodate commercial development in appropriate areas with appropriate access, landscaping, frontage improvements, setbacks, screening and multi-modal access and connectivity.
- L. Limited Industrial and Research and Development (LIRD). The purpose of the LIRD zone is to encourage non-polluting industrial and research and development activities designed to meet acceptable state and locally established standards for noise, dust, effluent (e.g., sewage pre-treatment), odor, and other impacts typically associated with industrial uses.
- M. River Corridor (RC). The purpose of the RC zone is to protect the public health, safety and welfare by avoiding development in areas prone to natural hazards such as floods and erosion. Through the preservation of floodplains and open space, in compliance with the Federal Emergency Management Agency's National Flood Insurance Program, this zone seeks to minimize the risk of damage to life and property and may protect valuable natural resources along the Colorado River and other streams, washes, creeks and watercourses within the city.
- N. Planned Unit Development (PUD). A PUD zone provides a flexible, performance-based alternative to standard development requirements where adjustments to some of the

standard requirements of this Title may be permitted in order to produce a development that is superior in its design and functionality to that which would result from the strict application of the standards under a non-PUD proposal. Applications for PUD approval must demonstrate that the proposal is consistent with the intent of the city's Master Plan and equally or better meets the intent of the design standards for which adjustment is sought.

- O. Community Services and Recreation (CSR). The purpose of the CSR zone is to provide public and private recreational land, facilities, schools, fire stations, libraries, fairgrounds and other public and quasi-public lands and buildings. The zone includes open space areas, which are set aside to prevent environmental damage to sensitive areas and to limit development in areas that are unsuitable for development due to flooding or geologic hazards. The CSR zone may be applied to parks, outdoor recreation facilities, open space corridors, environmental areas, trails, recreational facilities, and similar areas. The CSR zone helps implement the open space, trails and parks policies of the city's Master Plan.

**17.07.020 INCORPORATION OF OFFICIAL ZONING MAP.** The location and boundaries of the zones established by this Chapter are shown on the "Official Zoning Map" of the City of Fruita. Said Official Zoning Map, together with all data shown thereon and all amendments thereto, is, by reference, hereby incorporated into this Chapter. Changes in zones shall be made according to the requirements of this Title.

**17.07.030 ZONING NAMES.** The zoning names in effect before the effective date of this Title (April 3, 2009) are converted as follows. Zones not listed are either entirely new zones or the name of the zone has not changed.

<u>OLD ZONE</u>	<u>NEW ZONE</u>
RA (Rural and Agricultural)	RE (Rural Estate)
DCRD (Downtown Commercial & Residential Design)	DMU (Downtown Mixed Use)
TCD (Tourist Commercial Design)	TC (Tourist Commercial)
LLC (Large Lot Commercial)	GC (General Commercial)

**17.07.040 ZONING BOUNDARIES.** Except where otherwise indicated, zoning boundaries shall follow municipal corporation limits, section lines, lot lines, centerlines of watercourses, and right-of-way centerlines or extensions thereof. In unsubdivided land or where a zoning boundary divides a lot or parcel, the location of such boundary, unless indicated by dimensions, shall be determined by scale of the Official Zoning Map. Where a zoning boundary coincides with a

right-of-way line and said right-of-way is subsequently abandoned, the zoning boundary shall then follow the zoning of the property to which the vacated right-of-way is connected. Land not part of public rights-of-way and which is not indicated as being in any zoning boundary shall be considered to be included in the most restrictive adjacent zone, even when such zone is separated from the land in question by a public right-of-way.

**17.07.050 APPLICATION OF ZONING REGULATIONS.** Except as hereinafter provided, within the municipal boundaries of the City of Fruita:

- A. No building or structure shall be erected or placed and no existing building or structure shall be moved, removed, altered or extended, nor shall any land, building or structure be used for any purpose or in any manner other than as provided among the uses listed in Section 17.07.060(F) (Land Use/Zoning Table) and the zoning requirements and regulations for the zone in which such land, building or structure is located.
- B. No building or structure shall be erected or placed nor shall any existing building or structure be moved, removed, altered, replaced or extended, nor shall any open space surrounding any building or structure be encroached upon or reduced in any manner except in conformity with the lot area, lot coverage, setback and height provisions set forth in subsection 17.07.060(I) (Density and Dimensional Standards Table) for the zone in which such land, building or structure is located.
- C. No lot area, frontage, yard or other open space or parking space provided around any building or structure for purposes of compliance with provisions of this Title shall be considered as providing lot area, frontage, yard or other open space for any other building or structure on the same lot or on any other lot.
- D. Uses permitted by this Title also may be subject to provisions of other applicable city, county, or state laws and regulations, and where the provisions of this Title impose a greater restriction than required by other land use regulations, the provisions of this Title shall govern.
- E. In their application and interpretation, the provisions of this Title shall be considered minimum requirements. Nothing herein shall impair the obligations of or interfere with private agreements or covenants in excess of the minimum requirements. Where this Title imposes a greater restriction than that imposed by existing contract, covenant or deed, the provisions of this Title shall control.
- F. For developments without access to the city's sanitary sewer system (farther than four hundred [400] feet away), the minimum lot size is required to be no less than three (3) acres. Larger lots may be required for certain non-residential land uses.

**17.07.060 ZONING USES AND REQUIREMENTS.** All combinations of allowed uses and development standards may not be appropriate at a particular location within a zone, even if a use is designated as an allowed use in this Section. Any proposed land use must be compatible with the uses and site design of surrounding properties and meet the design standards set forth in this Title.

- A. Administrative Approvals. Administrative approvals include: Planning Clearances including Planning Clearances for a change in use to a use that is designated as allowed outright under Section 17.07.060; home occupations; Minor Subdivisions; Site Design Review (with no Adjustment) ; Temporary Use Permits; Sign Permits, and; final plats (not including subdivision improvements agreements).
- B. Public Hearing required for some Planning Clearances. Where the proposed use is designated a Conditional Use, or a use requiring Site Design Review with Adjustment, or is not itemized in the Use/Zone Matrix under Section 17.07.060 and is not deemed by the Community Development Director to be similar to an allowed use, the Director shall refer the land use request to public hearings, pursuant to Section 17.05.070.
- C. Schedule of Allowed Uses. The Land Use/Zone Table in subsection F below indicates Allowed Uses and Conditional Uses. Definitions and examples of those uses are contained in Chapters 17.03 and 17.04. Tables specifying allowable development densities and the requirements for minimum lot area, minimum setbacks, maximum building height and maximum lot coverage in each of the zones is subsection I below.
- D. Key to Allowed Uses. Uses may be allowed outright, allowed conditionally, or allowed subject to special use standards, as follows:

\* - Means not allowed.

A - Means allowed outright in the indicated zone, subject to compatibility with surrounding properties, per Section 17.07.080, and special and supplementary zoning regulations and standards.

C - Allowed by Conditional Use Permit only. (See Conditional Use Permit Section 17.13.040).

- E. Key to Zones:

AR	Agricultural Residential	DMU	Downtown Mixed Use
RC	River Corridor	MP	Monument Preservation
RR	Rural Residential	TC	Tourist Commercial



CR	Community Residential	GC	General Commercial
LLR	Large Lot Residential	LIRD	Limited Industrial & Research & Development
RE	Rural Estate	CSR	Community Services and Recreation
SFR	South FrUITa Residential		
CMU	Community Mixed Use		

Planned Unit Development (PUD) zone uses are specified in each PUD Guide.

**Section 17.07.060 (F)**

**LAND USE/ZONING TABLE**

	AR	RE	RR&LLR	CR	CMU <sup>1</sup>	SFR	DMU	MP	TC	GC	LIRD	RC	CSR
<b>RESIDENTIAL USES</b>													
<b>Household Living</b>													
Business Residence	*	*	*	*	A	*	A	*	A	A	A	*	*
Dwelling, Single-Family Attached	C	C	A	A <sup>2</sup>	A	A	A	*	*	*	*	*	*
Dwelling, Single-Family Detached	A	A	A	A	A	A	A	A	*	*	*	A	*
Duplex	*	*	*	A <sup>2</sup>	A	*	A	*	*	*	*	*	*
Dwelling, Multi-Family	*	*	*	A <sup>2</sup>	A	*	A	*	A	A	*	*	*
Manufactured Housing Park (See Chapters 23 & 25)	*	*	*	C	C	*	*	*	*	*	*	*	*
Mobile Home Park (See Chapters 23 & 25)	*	*	*	C	C	*	*	*	*	*	*	*	*
Manufactured Home (See Chapter 23)	C	C	C	C	C	C	C	C	*	*	*	C	*
Mobile Home (See Chapter 23)	*	C	C	C	C	C	C	C	*	*	*	C	*
Accessory Dwelling Unit (See Section 17.07.070.C)	A	A	A	A	A	A	A	A	*	*	*	C	*
Dwelling, Caretaker	A	*	*	*	*	*	*	*	A	A	A	*	*
Home Occupation	Home Occupations are permitted as accessory to any permitted residential use, subject to the Home Occupation standards in Section 17.07.070 (B)												
Cultivation of Medical Marijuana by Patients and Caregivers in Residential Dwelling Units. Medical Marijuana cultivation is permitted as accessory to any permitted residential use, subject to the supplemental standards of Section 17.07.080 (X)	A	A	A	A	A	A	A	A	A	A	A	A	A
Care Home, Daycare Home	A	A	A	A	A	A	A	A	A	A	A	A	*
<b>Group Living</b>													
Small Group Homes	C	C	C	A	A	A	A	C	A	A	*	C	*
Large Group Homes	*	*	*	C	C	*	C	*	C	C	*	*	*
<b>INSTITUTIONAL &amp; CIVIC</b>													
<b>College &amp; Vocational Schools</b>													
Colleges and Universities	*	*	*	C	C	C	C	*	C	C	C	*	C
<b>INSTITUTIONAL &amp; CIVIC (continued)</b>													
<b>College &amp; Vocational Schools (continued)</b>													

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**LAND USE/ZONING TABLE**

	AR	RE	RR&LLR	CR	CMU <sup>1</sup>	SFR	DMU	MP	TC	GC	LIRD	RC	CSR
Vocational, Technical & Trade	*	*	*	C	C	C	A	*	A	A	A	*	C
All Other Education Institutions	*	*	*	C	C	C	A	*	A	A	A	*	C
<b>Community Service &amp; Government Offices</b>													
Public Building Uses	C	C	C	C	C	C	A	C	A	A	A	C	C
Museum, Art Galleries, Opera Houses	C	C	C	C	C	C	A	C	A	A	C	C	C
Other Community Services	C	C	C	C	C	C	A	C	A	A	C	C	C
<b>Daycare/Child Care</b>													
Daycare Center	C	C	C	C	C	C	A	C	A	A	*	C	*
Child Care Center	C	C	C	C	C	C	A	C	A	A	*	C	*
<b>Detention Facilities</b>													
Jails, Honor Camps, Reformatories, Detention Center	*	*	*	*	*	*	*	*	*	C	C	*	C
Community Corrections Facility	*	*	*	*	*	*	*	*	*	C	C	*	C
<b>Medical Centers</b>													
Medical and Dental Clinics	*	*	*	*	C	*	A	*	A	A	A	*	C
Counseling Centers (nonresidential)	*	*	*	*	*	*	A	*	A	A	A	*	C
Hospital/Mental Hospital	*	*	*	*	*	*	C	*	C	C	C	*	C
Physical and Mental Rehabilitation (resident)	*	*	*	*	*	*	C	*	C	C	C	*	C
All Other	*	*	*	*	*	*	C	*	C	C	C	*	*
<b>Parks &amp; Open Space Areas</b>													
Cemetery	A	A	A	A	C	A	A	A	A	A	A	*	A
Golf Course or Golf Driving Range	C	C	C	C	C	C	*	C	A	A	A	A	A
Campground, Primitive (See Chapter 27)	C	*	*	*	*	*	*	C	C	C	*	C	C
Parks, Lakes, Reservoirs, Greenways	A	A	A	A	A	A	A	A	A	A	A	A	A
Other	C	C	C	C	C	C	C	C	C	C	C	C	A
<b>INSTITUTIONAL &amp; CIVIC (continued)</b>													
<b>Religious Institutions/Places of Worship</b>													
All	A	A	A	A	A	A	A	A	A	A	A	A	A

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**LAND USE/ZONING TABLE**

	AR	RE	RR&LLR	CR	CMU <sup>1</sup>	SFR	DMU	MP	TC	GC	LIRD	RC	CSR
<b>Funeral Homes/Mortuaries/Crematories</b>													
All	*	*	*	*	*	*	C	*	C	C	C	*	*
<b>Safety Services</b>													
Public Safety and Emergency Response Services	C	C	C	C	C	C	C	C	C	C	C	C	A
<b>Schools</b>													
Boarding Schools	C	C	C	C	C	C	C	C	C	C	*	*	C
Elementary Schools	A	A	A	A	A	A	A	A	A	A	*	A	A
Secondary Schools	A	A	A	A	A	A	A	A	A	A	*	A	A
<b>Utility, Basic</b>													
Utility Service Facilities, (Underground)	A	A	A	A	A	A	A	A	A	A	A	A	A
All Other Utility, Basic	C	C	C	C	C	C	C	C	C	C	C	C	A
Utility Treatment, Production or Service Facility	*	*	*	*	*	*	C	*	C	C	C	C	C
<b>Utility Corridors</b>													
Transmission Lines (above ground)	C	C	C	C	C	C	C	C	C	C	C	C	A
Transmission Lines (underground)	C	C	C	C	C	C	C	C	C	C	C	C	A
All Other	C	C	C	C	C	C	C	C	C	C	C	C	C
<b>COMMERCIAL</b>													
<b>Entertainment Event, Major</b>													
Indoor Facilities	*	*	*	*	C	*	A	C	A	A	C	C	C
Outdoor Facilities	*	*	*	*	C	*	A	C	A	A	C	C	C
<b>Lodging</b>													
Hotels and Motels, Lodges	*	*	*	*	*	*	A	*	A	A	A	*	*
Bed and Breakfast (1-4 guest rooms) See Section 17.07.070 (A)	C	C	C	C	C	C	A	C	A	A	*	C	*
<b>COMMERCIAL (continued)</b>													
<b>Office</b>													
General Offices	*	*	*	*	A	*	A	*	A	A	A	*	*
Office with Drive-in Facilities	*	*	*	*	C	*	C	*	A	A	A	*	*

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**LAND USE/ZONING TABLE**

	AR	RE	RR&LLR	CR	CMU <sup>1</sup>	SFR	DMU	MP	TC	GC	LIRD	RC	CSR
<b>Parking, Commercial</b>													
All, when not accessory to a permitted use	*	*	*	*	C	*	C	*	A	A	A	*	A
<b>Recreation &amp; Entertainment, Outdoor</b>													
Recreational Vehicle Parks, Resorts and Campgrounds (See Chapter 27)	C	*	*	*	*	*	*	C	C	C	*	C	C
Resort Cabins and Lodges	C	*	*	*	*	*	*	C	C	C	*	C	C
Swimming Pools, Community	C	C	C	C	C	C	C	C	C	C	C	C	A
Shooting Ranges, Outdoor	*	*	*	*	*	*	*	*	*	*	C	C	C
Amusement Park	*	*	*	*	*	*	*	*	C	C	*	*	C
Drive-in Theater	*	*	*	*	*	*	*	*	C	C	*	*	C
Miniature Golf	*	*	*	*	C	*	A	C	A	A	*	*	A
Riding Academy, Roping or Equestrian Area	C	C	C	C	C	C	*	C	C	C	*	C	C
Zoo	*	*	*	*	*	*	*	C	C	C	*	C	C
All other Outdoor Commercial Recreation	C	C	C	*	C	C	C	C	A	A	A	A	A
<b>Recreation &amp; Entertainment, Indoor</b>													
Health Club	*	*	*	C	C	*	A	*	A	A	A	*	A
Movie Theater	*	*	*	*	*	*	A	*	A	A	A	*	*
Skating Rink	*	*	*	*	C	*	A	*	A	A	A	*	A
Arcade	*	*	*	*	C	*	A	*	A	A	A	*	*
Shooting Ranges, Indoor	*	*	*	*	*	*	*	*	C	C	A	*	C
All Other Indoor Recreation	*	*	*	*	C	*	A	*	A	A	A	*	A
<b>Retail Sales &amp; Service</b>													
Sexually Oriented Businesses (See Chapter 35 of the Land Use Code and 5.40 of the Municipal Code)	*	*	*	*	*	*	*	*	*	C	C	*	*
<b>COMMERCIAL (continued)</b>													
<b>Retail Sales &amp; Service (continued)</b>													
Alcohol Sales, Retail	*	*	*	*	C	*	A	*	A	A	A	*	*
Bar/Nightclub	*	*	*	*	C	*	A	*	A	A	A	*	*

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**LAND USE/ZONING TABLE**

	AR	RE	RR&LLR	CR	CMU <sup>1</sup>	SFR	DMU	MP	TC	GC	LIRD	RC	CSR
Animal Clinic/Hospital/Boarding/Sales, Indoor/Kennel (See Chapter 6.28 of the Municipal Code)	C	*	*	*	C	*	A	C	A	A	A	*	*
Animal Clinic/Hospital/Boarding/Sales, Outdoor (See Chapter 6.28 of the Municipal Code)	C	*	*	*	*	*	C	C	C	C	C	*	*
Delivery and Dispatch Services (Vehicles on-site)	*	*	*	*	*	*	C	*	C	A	A	*	*
Drive-Up/Drive-Through Facilities (with permitted use)	*	*	*	*	*	*	C	*	A	A	A	*	*
Drive-Up/Drive-Through Facilities (not in conjunction with a permitted use; freestanding)	*	*	*	*	*	*	C	*	A	A	A	*	*
Food Service, Catering	*	*	*	*	A	*	A	*	A	A	A	*	*
Food Service, Restaurant (including alcohol sales)	*	*	*	*	C	*	A	*	A	A	A	*	*
Food Service, Restaurant (Not including alcohol sales)	*	*	*	*	A	*	A	*	A	A	A	*	*
Farm Implement/Equipment Sales/Service	*	*	*	*	*	*	A	*	A	A	A	*	*
Flea Market	*	*	*	*	*	*	C	*	C	C	C	*	*
Feed Store	*	*	*	*	*	*	C	*	C	A	A	*	*
Fuel Sales, Automotive/Appliance (not including Drive-Up/Drive-Through uses)	*	*	*	*	*	*	A	*	A	A	A	*	*
Fuel Sales, Heavy Vehicle (not including Drive-Up/Drive-Through uses)	*	*	*	*	*	*	A	*	A	A	A	*	*
General Retail Sales, Indoor Operations, Display and Storage	*	*	*	*	A	*	A	*	A	A	A	*	*
General Retail Sales, Outdoor Operations, Display or Storage	*	*	*	*	C	*	A	*	A	A	A	*	*
Nursery/Greenhouse, Retail (not Agriculture)	*	*	*	*	C	*	A	*	A	A	A	*	*
Manufactured Building Sales and Service	*	*	*	*	*	*	C	*	C	A	A	*	*
Pawn Shops (See Chapter 5.30 of the Municipal Code)	*	*	*	*	C	*	A	*	A	A	A		
Rental, Home Oriented, Indoor Display/Storage	*	*	*	*	C	*	A	*	A	A	A	*	*
<b>COMMERCIAL (continued)</b>													
<b>Retail Sales &amp; Service (continued)</b>													
Rental, Heavy Equipment, Outdoor Display/Storage	*	*	*	*	*	*	A	*	A	A	A	*	*
Repair, Small Appliance/Small Engine	*	*	*	*	C	*	A	*	A	A	A	*	*
Repair, Large Appliance	*	*	*	*	*	*	A	*	A	A	A	*	*

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**LAND USE/ZONING TABLE**

	AR	RE	RR&LLR	CR	CMU <sup>1</sup>	SFR	DMU	MP	TC	GC	LIRD	RC	CSR
Personal Services	*	*	*	*	A	*	A	*	A	A	A	*	*
Medical Marijuana Centers (See Chapter 5.15 of the Fruita Municipal Code)	•	•	•	•	•	•	•	•	C	C	C	•	•
Medical Marijuana Optional Premises Cultivation Operations (See Chapter 5.15 of the Fruita Municipal Code)	•	•	•	•	•	•	•	•	C	C	C	•	•
All Other Retail Sales and Service	*	*	*	*	C	*	A	*	A	A	A	*	*
<b>Storage/Self Service Storage</b>													
Mini Warehouse/Self Service Storage Facility	*	*	*	*	*	*	*	*	C	A	A	*	*
Outdoor Storage (Vehicles, Equip. Etc.)	*	*	*	*	*	*	*	*	C	A	A	*	*
<b>Vehicle Repair, Except Quick Vehicle Servicing</b>													
Auto and Light Truck Mechanical Repair Shop	*	*	*	*	*	*	C	*	A	A	A	*	*
Body Shop	*	*	*	*	*	*	C	*	A	A	A	*	*
Truck Stop/Travel Plaza/Truck Parking Area	*	*	*	*	*	*	*	*	C	C	C	*	*
Tire Recapping and Storage	*	*	*	*	*	*	*	*	C	C	C	*	*
All Other Vehicle Repair, Limited	*	*	*	*	*	*	C	*	A	A	A	*	*
<b>Vehicle Service, Limited: Quick Vehicle Servicing</b>													
Car Wash	*	*	*	*	*	*	C	*	A	A	A	*	*
Gasoline Service Station	*	*	*	*	*	*	C	*	A	A	A	*	*
Quick Lube	*	*	*	*	*	*	C	*	A	A	A	*	*
All Other Vehicle Service, Limited	*	*	*	*	*	*	C	*	A	A	A	*	*
<b>INDUSTRIAL</b>													
<b>Indoor Operations &amp; Storage</b>													
Industrial Service	*	*	*	*	*	*	C	*	A	A	A	*	*
Assembly	*	*	*	*	*	*	C	*	C	A	A	*	*
Food Products	*	*	*	*	*	*	C	*	C	A	A	*	*
Manufacturing/Processing	*	*	*	*	*	*	C	*	C	A	A	*	*
All Other	*	*	*	*	*	*	C	*	C	C	A	*	*
<b>INDUSTRIAL (continued)</b>													
<b>Indoor Operations &amp; Outdoor Storage</b>													
Industrial Service	*	*	*	*	*	*	*	*	C	C	A	*	*
Assembly	*	*	*	*	*	*	*	*	*	C	A	*	*
Food Products	*	*	*	*	*	*	*	*	C	C	A	*	*

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**LAND USE/ZONING TABLE**

	AR	RE	RR&LLR	CR	CMU <sup>1</sup>	SFR	DMU	MP	TC	GC	LIRD	RC	CSR
Manufacturing/Processing	*	*	*	*	*	*	*	*	*	C	A	*	*
All Other	*	*	*	*	*	*	*	*	C	C	C	*	*
<b>Outdoor Operations &amp; Storage</b>													
Industrial Service	*	*	*	*	*	*	*	*	*	C	A	*	*
Assembly	*	*	*	*	*	*	*	*	*	C	A	*	*
Food Products	*	*	*	*	*	*	*	*	*	C	A	*	*
Manufacturing/Processing	*	*	*	*	*	*	*	*	*	C	A	*	*
All Other	*	*	*	*	*	*	*	*	*	C	C	*	*
<b>Junk Yard</b>													
Junk Yard (See Municipal Code Chapter 5.24)	*	*	*	*	*	*	*	*	*	*	C	*	*
<b>Impound Lot</b>													
Impound Lot	*	*	*	*	*	*	*	*	C	C	A	*	*
<b>Warehouse &amp; Freight Movement</b>													
Indoor Operations, Storage and Loading	*	*	*	*	*	*	C	*	A	A	A	*	*
Indoor Storage with Outdoor Loading Docks	*	*	*	*	*	*	C	*	C	A	A	*	*
Outside Storage or Loading	*	*	*	*	*	*	*	*	C	C	A	*	*
Gas or Petroleum Storage	*	*	*	*	*	*	*	*	*	C	C	*	*
Sand or Gravel Storage	*	*	*	*	*	*	*	*	*	C	A	*	*
All Other	*	*	*	*	*	*	*	*	*	C	C	*	*
<b>OTHER</b>													
<b>Waste Related Uses</b>													
Non-Hazardous Waste Transfer	*	*	*	*	*	*	*	*	*	C	C	*	*
Medical/Hazardous Waste Transfer Station	*	*	*	*	*	*	*	*	*	C	C	*	*
Solid Waste Disposal Sites	*	*	*	*	*	*	*	*	*	*	C	*	*
Recycling Collection Points	*	*	*	*	*	*	*	*	*	C	C	*	C
All Other Waste Related/Recycling Center	*	*	*	*	*	*	*	*	*	*	C	*	C
<b>Wholesale Sales</b>													



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**LAND USE/ZONING TABLE**

	AR	RE	RR&LLR	CR	CMU <sup>1</sup>	SFR	DMU	MP	TC	GC	LIRD	RC	CSR
Wholesale Business (No highly flammable materials/liquids)	*	*	*	*	*	*	C	*	C	A	A	*	*
Agri Business	C	C	C	*	*	*	C	*	C	C	C	*	*
All Other Wholesale Uses	*	*	*	*	*	*	C	*	C	C	C	*	*
<b>Agricultural</b>													
Animals Agricultural; Confinement	C	*	*	*	*	*	*	*	*	*	C	*	C
Dairy	C	*	*	*	*	*	*	*	*	*	C	*	C
Winery	C	C	*	*	*	*	C	C	C	C	A	C	C
Confined Animal Feeding Operation, Feedlot	C	*	*	*	*	*	*	*	*	*	C	*	*
Forestry/Silviculture, Commercial	C	*	*	*	*	*	*	*	C	C	A	C	*
Pasture, Commercial	A	*	*	*	*	*	*	C	A	A	A	A	A
All Other Agriculture	A	A	*	*	*	*	*	A	*	*	A	A	A
<b>Aviation or Surface Passenger</b>													
Airports/Heliports	*	*	*	*	*	*	*	*	C	C	C	C	C
Bus/Commuter Stops	A	A	A	A	A	A	A	A	A	A	A	A	A
Bus/Railroad Depot	*	*	*	*	C	*	C	*	A	A	A	*	A
Helipads	*	*	*	*	*	*	*	*	C	C	C	C	C
All Other Aviation or Surface Passenger Terminal	*	*	*	*	C	*	C	*	C	C	C	C	C
<b>OTHER (continued)</b>													
<b>Mining (See Chapter 31)</b>													
Oil or Gas Drilling	C	*	*	*	*	*	*	C	*	*	C	C	*
Sand or Gravel Extraction or Processing	C	*	*	*	*	*	*	C	*	C	C	C	*
All Other Mining, Extraction	*	*	*	*	*	*	*	C	*	C	C	C	*
<b>Telecommunications Facilities</b>													
Telecommunications Facilities, Towers and Support Structures	C	C	C	C	C	C	C	C	C	C	C	C	C

<sup>1</sup> Non-residential uses in the CMU zone are subject to the supplemental zoning district standards in Section 17.07.070 (J).

<sup>2</sup>Duplex, multi-family and attached single family developments in the CR zone are permitted only as a percentage of a detached single-family residential development. See the Density and Dimensional Standards Table in Section 17.07.060(I).

G. Uses Not Itemized in Land Use/Zoning Table. When a use is proposed and no zone allows for such use under the Land Use/Zoning Table above, the applicant may request from the Community Development Department a determination of a zone in which the use may be allowed. The applicant shall submit a written request, which describes the particular use proposed. The use may be deemed an Allowed Use or a Conditional Use upon the finding of the following:

6. Such use is appropriate to the physiographic and general environmental character of the zone to which it is added;
2. Such use does not create any more hazards to, or alteration of, the natural environment than the minimum amount normally resulting from the other permitted uses, or uses conditionally allowed, in the zone to which it is added, as applicable;
3. Such use does not create any more offensive noise, vibration, dust, heat, smoke, odor, glare, or other objectionable influences or more traffic hazards than the minimum amount normally resulting from the other uses permitted in the zone to which it is added;
4. Such use is generally consistent with the uses existing and permitted in the zone to which it is added; and
5. Such use is in conformance with the goals, policies and Master Plan of the city and the purposes of this Title.

H. Schedule of Density/Height/Bulk/Location Requirements in Zones.

1. The following standards apply to all uses and development, except as modified pursuant to Chapter 17.08 Density Bonuses, Chapter 17.09 Transferable Development Rights/Credits, or Chapter 17.17 Planned Unit Developments.
2. Maximum density may not be achievable on every lot or parcel, as the development must conform to applicable setbacks, coverage, parking, drainage, public improvements, landscaping and other code requirements including density bonus requirements.
3. Connection to the city's wastewater collection and treatment system is required for all single-family residential lots smaller than three (3) acres in size. Larger lots may be required for multi-family and non-residential developments that do

not connect to the city's wastewater collection and treatment system. All uses with existing individual sewage disposal systems that require repair or replacement, or are part of a larger development plan and are within four hundred (400) feet of the existing city wastewater collection system, as measured to the closest property line, shall connect to the city system. All property to be annexed with existing land uses using individual sewage disposal systems must connect to the city wastewater collection system if they are within four hundred (400) feet or will be within four hundred (400) feet of a city wastewater collection system once the development to be annexed is completed.

4. Standards containing a slash (x/y) indicate standards for primary buildings (x) and accessory buildings (y).
5. Structures lawfully established prior to the effective date of this Code may continue pursuant to Section 17.07.090.

<b>Section 17.07.060 (I)</b>							
<b>DENSITY AND DIMENSIONAL STANDARDS TABLE</b>							
<b>ZONE DISTRICT</b>	<b>MAX RES. DENSITY (GROSS)</b>	<b>MIN LOT AREA</b>	<b>MIN FRONT/ STREET YARD</b>	<b>MIN SIDE YARD</b>	<b>MIN REAR YARD</b>	<b>MAX STRUCTURE HEIGHT*</b>	<b>MAX LOT COVERAGE ***</b>
Agriculture Residential (AR)	10 acres/DU	3 acres	50'	50'	50'	35'	20%
Rural Estate (RE)	3 acres/DU, or 2 acres/DU	2 acres	25'	10'	20'	35'	20%
Rural Residential (RR)	1 DU/acre or 2 DU/acre	20,000 sf	25'	10'	20'	35'	20%
Community Residential (CR)**	No Specific Standards**	7,000 sf	25' for garage openings; 20' for elevations other than garage opening; except 15' for buildings with alley access only or 15' for unenclosed front porches covering at least 30% of front elevation with a 6' minimum depth with the garage or parking area on the rear half of the lot	16' total; 5'3' min. except 0' where common wall or zero-lot line dev. allowed	15'3'	35'/16'	45%
Large Lot Residential (LLR)	3 DU/acre	10,000 sf	25'	10'5'	15'3'	35'/16'	40%

**Section 17.07.060 (I)**

**DENSITY AND DIMENSIONAL STANDARDS TABLE**

<b>ZONE DISTRICT</b>	<b>MAX RES. DENSITY (GROSS)</b>	<b>MIN LOT AREA</b>	<b>MIN FRONT/ STREET YARD</b>	<b>MIN SIDE YARD</b>	<b>MIN REAR YARD</b>	<b>MAX STRUCTURE HEIGHT*</b>	<b>MAX LOT COVERAGE ***</b>
South Fruita Residential (SFR)	2 DU/acre, or 3 DU/acre	7,000 sf	25'	10'/5'	15'/5'	35'/16'	40%
Downtown Mixed Use (DMU) – Core (as designated in the Fruita Community Plan - south of Pabor Avenue and west of Elm Street)	12 DU/acre	5,000 sf; 6,000 sf for corner lots	0', or as required per building code	0', or as required per building code	0', or as required per building code	35'/25'; or 5 stories for DU's above Commercial	90%
Downtown Mixed Use (DMU) – Outside Core	12 DU/acre	5,000 sf, except 6,000 sf corner lot; 7,000 sf detached single family with accessory dwelling; 7,500 sf duplex; 10,000 sf multi-family; 2,500 sf per each townhouse unit	25' for garage openings; 20' for elevations other than garage opening; except 15' for mixed-use buildings, 15' for buildings with alley access only, and 15' for unenclosed front porches covering at least 30% of front elevation with a 6' minimum depth with the garage or parking area on the rear half of the lot	15' total; 5'/3' min.; except 0' where common wall or zero-lot line dev. allowed	15'/3'; except 0' where common wall or zero-lot line dev. allowed	35'/16'	35%; or 60% for lots with parking on rear ½ of lot and front porches on at least 30% of front elevation with a 6' minimum depth
Community Mixed Use – Commercial Development, including Mixed Use Buildings	2 DU/acre; or up to 5 DU/acre	5,000 sf; 6,000 sf corner lots				35'/25'; or 4 stories for DU's above Commercial	60%

**Section 17.07.060 (I)**

**DENSITY AND DIMENSIONAL STANDARDS TABLE**

<b>ZONE DISTRICT</b>	<b>MAX RES. DENSITY (GROSS)</b>	<b>MIN LOT AREA</b>	<b>MIN FRONT/ STREET YARD</b>	<b>MIN SIDE YARD</b>	<b>MIN REAR YARD</b>	<b>MAX STRUCTURE HEIGHT*</b>	<b>MAX LOT COVERAGE ***</b>
Community Mixed Use – Residential Development, not including Mixed Use Buildings	2 DU/acre; or up to 5 DU/acre	5,000 sf, except 6,000 sf corner lot; 7,000 sf detached single family with accessory dwelling; 7,500 sf duplex; 10,000 sf multi-family; 2,500 sf per each attached townhome unit	25' for garage openings; 20' for elevations other than garage opening; except 15' for mixed-use buildings, 15' for buildings with alley access, and 15' for un-enclosed front porches covering at least 30% of front elevation with a 6' minimum depth with the garage or parking area on the rear half of the lot	16' total; 5'3" min.; except 0' where common wall or zero-lot line dev. allowed	15'3"; except 0' where common wall or zero-lot line dev. allowed	35'/25'	35%; or 60% for lots with parking on rear ½ of lot and front porches on at least 30% of front elevation with a 6' minimum depth
Tourist Commercial (TC) Non-residential development	Not Applicable	5,000 sf	20'	10'/10'; except 0' where common wall or zero-lot line dev. allowed	20'/10'; except 0' where common wall or zero-lot line dev. allowed	35'/25'	80%
Tourist Commercial (TC) Multi-Family residential development	Max density dictated by land area size per dwelling unit	7,000 sf per dwelling unit	25'	10'/5'	20'/20'	35'/25'	80%
General Commercial (GC) Non-residential development	Not Applicable	5,000 sf	20'	10'/5'; except 0' where common wall or zero-lot line dev. allowed	20'/5'; except 0' where common wall or zero-lot line dev. allowed	35'/25'	80%
General Commercial (GC) Multi-family residential development	Max density dictated by land area size per dwelling unit	7,000 sf per dwelling unit	25'	10'/5'	20'/20'	35'/25'	80%

**Section 17.07.060 (I)**

**DENSITY AND DIMENSIONAL STANDARDS TABLE**

<b>ZONE DISTRICT</b>	<b>MAX RES. DENSITY (GROSS)</b>	<b>MIN LOT AREA</b>	<b>MIN FRONT/ STREET YARD</b>	<b>MIN SIDE YARD</b>	<b>MIN REAR YARD</b>	<b>MAX STRUCTURE HEIGHT*</b>	<b>MAX LOT COVERAGE ***</b>
Limited Industrial/ Research and Development (LIRD)	Not Applicable	10,000 sf	20'	20'/10'; 0' where common wall or zero-lot line dev. allowed	20'/10'	50'/70'	80%
River Corridor (RC)	1 DU/acre	5 acres	50'	50'	50'/10'	35'/25'	5%
Monument Preservation (MP)	1 DU/2 acres	2 acres	25'	50'	20'/10'	35'/25'	20%
Community Services Recreational (CSR)	No Specific Standards						

\* Accessory buildings can exceed sixteen (16) feet in height, up to the maximum height limit for the zone, when located within the primary building setbacks.

\*\* One duplex unit or two-unit attached single family on a lot or land area of at least ten thousand (10,000) square feet in size is permitted for each ten (10) single-family detached units in the same subdivision  
 One triplex or three-unit attached single family on a lot at least fifteen thousand (15,000) square feet in size for each fifteen (15) single-family detached units in the same subdivision  
 One four-plex or four-unit attached single family on a lot of at least twenty thousand (20,000) square feet in size for each twenty (20) single-family detached units in the same subdivision  
 For the purposes of these attached housing calculations, single-family detached units cannot be counted more than once for determining permitted attached housing units.

\*\*\* Lot coverage requirements do not apply to townhouses or condominiums, but instead are determined through the subdivision process.

**17.07.070 SUPPLEMENTAL ZONING REGULATIONS AND STANDARDS.** In addition to regulations contained elsewhere in this Title, the use of land and buildings in all zones shall be governed by the following:

A. Bed and Breakfast. Where bed and breakfast uses are allowed, they must meet the following conditions and standards:

1. Where the applicable zoning district allows bed and breakfast uses as a Conditional Use, the use must be a residential dwelling that contains no more than four (4) guest bedrooms where overnight lodging, with or without meals, is provided for compensation. Bed and Breakfast uses with more than four (4) guest bedrooms are considered hotels or motels;
2. Kitchen and dining facilities in bed and breakfast dwellings may serve only residents and guests and shall not be operated or used for any commercial activity other than that necessary for bed and breakfast purposes;
3. The bed and breakfast use shall not change the residential character of the dwelling if located in a residential zone or area;
4. In residential zones (including residential developments in the CMU zone), there shall be no advertising display or other indication of the bed and breakfast use on the premises other than a sign that is in compliance with the provisions of Chapter 17.41;
5. A minimum of one parking space per guest bedroom and resident bedroom shall be required. Screening may also be required;
6. The bed and breakfast facility shall comply with all Building Codes adopted by the city;
7. It shall be the responsibility of the applicant to demonstrate that the relevant subdivision's declarations, covenants, conditions or restrictions allow for a bed and breakfast use and/or associated signing; and
8. Where a bed and breakfast use is subject to Conditional Use Permit approval, any existing or proposed uses in addition to that of a dwelling unit (e.g. home occupation, accessory dwelling unit, etc.) are considered as part of the conditional use review.

B. Home Occupations. A Home Occupation is a commercial or business use within a dwelling unit by the residents thereof, which is incidental or secondary to the principle use of the dwelling for residential purposes. The purpose of this Section is to allow commercial ventures, which by the nature of the venture are appropriate in scale and intensity of use to be operated within a dwelling. Home occupations require a City of Fruita Business License and any other local, state or federal permits that may be required. Two types of home occupations are authorized by this Code: 1) Home Occupations meeting the standards of this Section, as provided below, are permitted outright; and 2) Home Occupations exceeding the criteria or standards of this Section may be permitted subject to approval of a Conditional Use Permit.

1. Outdoor Storage and Display:

- a. All materials, vehicles, inventory, products, equipment, fixtures, and activities associated with the home occupation (i.e., that exceed what is customary for a single-family residence) shall be fully enclosed in a structure that complies with applicable building and land use codes. The owner is responsible for verifying building code compliance when no Planning Clearance is required.
  - b. On-site storage of hazardous materials (including toxic, explosive, noxious, combustible or flammable materials) beyond those normally incidental to residential use is prohibited.
2. Vehicles, Parking and Traffic:
- a. The home occupation site shall not be used as a dispatch for employees or vehicles to other locations beyond that which is customary for a residential use.
  - b. There shall be no commercial vehicle deliveries to the home occupation during the hours of 9:00 p.m. to 7:00 a.m.
  - c. There shall be no more than one (1) client or customer vehicle at any one time and no more than eight (8) per day at the home occupation site.
  - d. The home occupation shall not adversely affect traffic flow and parking in the neighborhood.
3. Business Hours. There shall be no restriction on business hours, except that clients or customers are permitted at the home occupation from 7:00 a.m. to 9:00 p.m. only, Monday through Friday.
4. Prohibited Home Occupation Uses:
- a. There shall be no advertising display, signage, or other indication of the home occupation on the premises other than that which is allowed by the applicable zone for residential uses as provided for in the Sign Code in Chapter 17.41.
  - b. Any activity that produces radio, TV, or other electronic interference, noise, glare, vibration, smoke, or odor beyond allowable levels as determined by local, state or federal standards, or that can be detected beyond the property line is prohibited.
  - c. Any activity involving on-site retail sales, including garage sales exceeding the thresholds of a temporary use, is prohibited; except that the sale of items that are incidental to a permitted home occupation is allowed. For example, the sale of lesson books or sheet music from music teachers, art or craft supplies from arts or crafts instructors, computer software from computer consultants, produce or crafts produced on-site, and similar incidental items for sale by home business is allowed pursuant to this Section.



- d. Any activity that may produce wastes not typically associated with residential use of the property.
  5. Enforcement. The Community Development Director or designee may visit and inspect the site of a home occupation in accordance with this chapter periodically to ensure compliance with all applicable regulations, during normal business hours, and with reasonable notice.
- C. Accessory Dwelling Units. Accessory dwelling units are permitted on all lots containing a single family dwelling unit in the Agricultural Residential (AR), Rural Estate (RE), Monument Preservation (MP) and Rural Residential (RR) zoning districts, and on lots containing a detached single family dwelling unit in other residential zoning districts provided the lot area is at least twenty (20) percent larger than the required minimum for the zone. Accessory dwelling units cannot exceed eight hundred and fifty (850) square feet of heated floor area, or fifty (50) percent of the size of the primary dwelling; whichever is larger. Accessory dwelling units can be attached or detached from the principal dwelling. Only one accessory dwelling unit is permitted per lot or parcel.
- D. Accessory Buildings (Except Accessory Dwelling Units). An accessory building shall not protrude beyond the front plane of the principal building.
- E. Design Standards And Specifications. The following standards and regulations are applicable to all projects requiring approval under the provisions of this Title:
1. Street, Road and Bridge Standards. The publications entitled “Mesa County Standard Specifications for Road and Bridge Construction” and “City of Fruita Design Criteria and Construction Specifications” 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.
  2. 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), “International Building Code (IBC)” (Latest Edition), and “International Residential Building Code (IRBC)” shall apply to developments in all zones.
  3. Buildings. All buildings in all zones shall comply with all building codes adopted pursuant to Title 15 of the Fruita Municipal Code.
  4. Other Design Standards and Construction Specifications. All other construction and 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. Drainage shall comply with the Federal Housing Finance Agency’s lot drainage standards and must consist of either a Type ‘A’ or Type ‘B’ drainage.

5. 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. Codes, standards and specifications published by the Colorado Department of Transportation take precedence within State Highway rights-of-way.
- F. Exceptions to Lot Area and Dimensional Standards. Lot area and dimensions shall conform to the Schedule of Density and Dimensional Standards Table in Section 17.07.060 (I), except as follows:
1. 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 43.050 of this Title.
  2. 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.
- G. Height Exceptions and Permitted Setback Encroachments.
1. Height limits do not apply to chimneys, flagpoles, spires, belfries, cupolas, windmills, light poles, and similar architectural features that are not designed for occupancy.
  2. Height limits do not apply to any bulkhead, elevator; water collection, recirculation, or storage system; geothermal heating system; solar photovoltaic equipment; wind turbine; rooftop garden (green roof); or any similar structure or necessary mechanical appurtenance 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.
  3. 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.

4. Structures used mainly for agricultural purposes in the Agricultural Residential (AR) zone (e.g., silos and barns) are exempt from the size and height limits for structures.

H. 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:

1. 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.
2. 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 LIRD zones provided that not more than three (3) strands of barbed wire atop a fence is allowed and are not counted in the height calculation. Similarly, where razor wire is permitted, only one coil of razor wire is allowed atop a fence. 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.
3. 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.
4. 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.

5. 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.
6. Fences in excess of six (6) feet shall comply with applicable building codes and all required setbacks for primary buildings, as applicable. Fences in LIRD zones may exceed six (6) feet as provided for in subsection 3 above.
7. Fences in zones which permit a zero building setback must meet design standard requirements of Chapter 11 of this Title.
8. 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, compatibility with adjacent properties (Section 17.07.080), and other applicable standards (e.g., City of Fruita Design Criteria and Construction Specifications, Building Codes, and Colorado Department of Transportation or Mesa County standards, as applicable in Fruita).
9. All fences shall be properly maintained by the owner so as to not become a public nuisance or hazard.

I. Landscaping Requirements.

1. For single-family and duplex dwelling units, at least one (1) tree in the front yard is required to be planted and maintained within six (6) months of an issuance of a Certificate of Occupancy.
2. No less than ten (10) percent of a lot or parcel developed for multi-family or non-residential land uses must be landscaped with at least half of this landscape 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. 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. Additional landscaping, in addition to the minimum ten (10) percent, is 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 17.07.080.
3. Landscape improvements must follow the landscaping requirements of the Appendix of the Fruita Land Use Code.
4. 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.

J. Non-Residential Uses in Community Mixed Use Zones. In addition to the requirements of Chapter 17.11, Design Standards, Non-Residential Uses in the CMU zone are regulated as follows:

1. Commercial uses that individually do not exceed a gross floor area of two thousand five hundred (2,500) square feet per commercial center are permitted;
2. Commercial uses that individually exceed a gross floor area of two thousand five hundred (2,500) square feet per use, and commercial centers that exceed a total of twenty-five thousand (25,000) square feet for all uses in the center, may be allowed subject to Conditional Use Permit approval. For the purpose of this Section, a “commercial center” is defined as the aggregate of all commercial uses located within six hundred (600) feet of one another, regardless of property ownership. Uses not under the same ownership, or separated from one another by a street, driveway, right-of-way, easement, open space or other feature, are still considered to be in the same center if located within six hundred (600) feet of one another;
3. A new commercial use shall not be permitted where it would be located within one-half (1/2) mile of an existing or city-approved commercial use that is also zoned CMU. This provision does not apply to commercial uses existing or proposed in the GC, TC, DMU, or LIRD zones.
4. Compliance with the Supplemental Zoning Regulations under Section 17.07.070 and Design Standards under Chapter 17.11 is required.

K. Storage of Motor Vehicles and Building Materials in Yards; Derelict or Abandoned Automobiles.

1. No portion of any required residential front yard or any portion of a residential side yard on the street side of a corner lot shall be used for the permanent storage of a trailer, airplane, boat (or parts of any of the foregoing), recreational vehicles, travel trailers, campers or building materials. Permanent 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 in the required front or side yard.
2. Permanent storage of a trailer, airplane, boat, recreational vehicle, travel trailer, truck camper, camper (or parts of any of the foregoing) within required side yards shall be screened from the abutting property with a sight-obscuring fence, wall, landscaping, or combination of these features at a minimum height of six (6) feet. The Community Development Director may waive the screening requirement where the adjacent property in question is in a commercial or industrial zone and/or compatibility under Section 17.07.080 is otherwise met.
3. It shall be unlawful to store or otherwise have, maintain or allow on a single parcel of land in the City of Fruita (or on contiguous parcels under the same, or substantially

the same, ownership) 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. 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.

L. Temporary Uses and Structures. Temporary uses are characterized by their short term or seasonal nature and by the fact that permanent improvements are not made to the site. Temporary uses include, but are not limited to: construction trailers, leasing offices, garage sales, temporary carnivals and fairs, parking lot or sidewalk sales, mobile food vendors, seasonal sales such as Christmas tree sales, produce stands, and similar uses. Special Events such as city-wide festivals or carnivals conducted on school sites are exempt from these provisions (but a Special Event Permit may be required). The Community Development Director may approve, approve with conditions or deny a Temporary Use Permit based on the following criteria. The city may also revoke the Temporary Use Permit or require a temporary use to cease at any time, if it is found to be in violation of any of these criteria.

1. The following criteria and standards apply to all temporary uses located on specific parcels:
  - a. The applicant has proof of the property owner's permission to place the use on the specified property.
  - b. Permanent changes to the site are prohibited.
  - c. Temporary uses shall not violate any conditions of approval that apply to the principle use of the site.
  - d. The temporary use regulations do not exempt an applicant or operator from any other required permits; such as, health department permits.
  - e. A Planning Clearance for a Temporary Use is required for any use that exceeds three (3) consecutive days, occurs more than four times in a calendar year or occupies more than 10,000 square feet of land.
  - f. The use provides adequate sight line clearance, does not interfere with travel on public ways (including pedestrian and vehicle travel), and does not interfere with access to another property.
  - g. Ingress and egress are safe and adequate when combined with the other uses of the property.

- h. Temporary use sign(s) shall be permitted in compliance with the requirements of Chapter 41.
  - i. A use shall not be allowed on publicly owned property unless the applicant first obtains a Temporary Encroachment Permit or other applicable permit or license through the city or the property owner, if not the city.
  - j. All businesses are required to have a current city business license.
  - k. When a Planning Clearance is required, approval shall be subject to the following:
    - 1) The proposed site is adequate in size, shape and location to accommodate the temporary use;
    - 2) Adequate parking is available to accommodate the traffic expected to be generated by the temporary use;
    - 3) The temporary use will not jeopardize, endanger or otherwise constitute a menace to the public health, safety, or general welfare;
    - 4) Adequate sanitation facilities and solid waste collection facilities are provided; and
    - 5) Adequate on-site security measures are provided.
2. Temporary Uses for a Period Greater Than Ninety (90) Days. For uses that occur for a period longer than ninety (90) days, but not longer than six (6) months total in any twelve (12) month period, a Site Design Review application is required and all of the following criteria must be met. Uses occurring for more than six (6) months in a twelve (12) month period are considered permanent uses and must follow all requirements of this Title regarding permanent uses.
- a. The criteria for all temporary uses identified in subsection 1 are met.
  - b. The use is permitted in the zone designated for the subject property according to the Land Use Table in Section 17.07.060 and does not violate any conditions of approval for the property (e.g., existing permit or approval). If the principal use is classified as a Conditional Use by the zone, and such temporary use is not designated as allowed outright or is not specified by the existing Conditional Use Permit, an amended Conditional Use Permit is required.
  - c. The use does not require use of more than ten (10) percent of the off-street parking needed to comply with the minimum parking requirement under Chapter 17.39 for an existing, permanent use of the property.

- d. The use complies with the applicable setback requirements and other standards of the zone in which it is located.
  - e. The use does not create adverse off-site impacts, including vehicle traffic, noise, odors, vibrations, glare or lights, on an adjoining use in a manner in which other uses allowed outright in the zone do not affect the adjoining use.
  - f. The use is adequately served by public water and sewer (or an approved septic system) or provides acceptable temporary/portable facilities, as approved by the city. (The applicant shall be responsible for complying with State Health regulations and shall obtain any related permits, when applicable.)
  - g. Conditions may be imposed regarding temporary utility connections, as necessary to protect public health, safety, or welfare.
3. Temporary Sales Office, Construction Office or Model House. A temporary sales office, temporary construction office or model house in any subdivision or parcel of land within the city, but for no other purpose, may be allowed in any zone based on compliance with the following criteria. The Community Development Director may approve, approve with conditions or deny a Temporary Use Permit based on the following:
- a. Temporary sales office or construction office:
    - 1) The temporary sales office or construction office shall be located within the boundaries of the subdivision or parcel of land in which the real property is to be sold and comply with applicable building code regulations;
    - 2) The property to be used for a temporary sales office or construction office shall not be permanently improved for that purpose;
    - 3) Conditions may be imposed regarding temporary utility connections, as necessary to protect public health, safety, or welfare; and
    - 4) A temporary sales office or construction office may not be used as a dwelling unit.
  - b. Model house:
    - 1) The model house shall be located within the boundaries of the subdivision or tract of land where the real property to be sold is situated; and
    - 2) The model house shall be designed as a permanent structure that complies with this Code and any other applicable code or permit requirements.



M. Wood Burning Stoves, Fireplaces, Gas Log Fireplaces and Pellet Stoves.

1. 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 Grand Valley Air Quality Commission. 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.
2. 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).
3. 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.

N. 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 public rights-of-way and adjacent residential land uses. These requirements do not apply to single family or duplex dwelling developments.

O. 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 and adjacent 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 or draining into the ground water, streams, creeks, or other water bodies.

P. 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. Residential land uses must meet all other Land Use Code requirements regarding such uses.

Q. Loading and Service Areas. Each industrial and commercial development must have adequate loading space, loading docks for trucks, clear access to the loading docks and service areas. Areas for truck loading shall be screened and buffered from adjacent residential property and from the public rights-of-way by structures and/or landscaping.

R. Energy Conservation. Each commercial or industrial project is encouraged to reduce non-renewable energy sources through the use of alternative, clean energy sources and energy conservation measures.

- S. Stormwater. 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.
- T. 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.
- U. 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. An applicant may be required to submit an Erosion and Sediment Control Plan for agency review and approval prior to Planning Clearance, in conjunction with a proposed development application, or as a condition of development approval prior to construction.
- V. New Outdoor Lighting.
1. 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. Streetlights shall also be in accordance with the provisions below regarding all new outdoor lighting.
  2. The following regulations shall apply to all new outdoor lighting, including street lighting and outdoor lighting in new residential, commercial and industrial projects:
    - a. 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.
    - b. Lighting shall be downcast and so placed as to prevent the light rays or illumination from being cast beyond property lines.
    - c. All metal halide and fluorescent fixtures shall be filtered with glass, acrylic or translucent enclosures.
    - d. Only sodium vapor fixtures shall be permitted in non-residential and multi-family parking areas. In addition, the level of illumination shall be consistent with

minimum industry standards adopted by the Illuminating Engineering Society.

- e. Fluorescent lights shall be forty (40) watts or less per fixture. Gas fired fixtures and lights used for holiday decorations are exempt from the requirements of this subsection.
- W. Irrigation water must be provided to new developments and must be used for required landscape areas where irrigation water is legally and physically available. A minimum of 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.
- X. Medical Marijuana. Definitions of terms specifically related to Medical Marijuana are contained in Chapter 5.15 of the Fruita Municipal Code.
- 1. Cultivation of Medical Marijuana by Patients and Primary Caregivers in Residential Dwelling Units. The cultivation, production, or possession of marijuana plants for medical use by a patient or primary caregiver, as such terms are defined by Article XVIII, Section 14 of the Colorado Constitution, shall be allowed in residential dwelling units subject to the following conditions:
    - a. The cultivation, production or possession of marijuana plants shall be in full compliance with all applicable provisions of Article XVIII, Section 14 of the Colorado Constitution, the Colorado Medical Marijuana Code, Sections 12-43.3-101, *et. seq.*, C.R.S., and the Medical Marijuana Program, Section 25-1.5-106, C.R.S.
    - b. Marijuana plants that are cultivated, produced or possessed shall not exceed the presumptive limits of no more than four (4) ounces of a useable form of marijuana unless otherwise permitted under Article XVIII, Section 14 of the Colorado Constitution and no more than twelve (12) marijuana plants, with six (6) or fewer being mature, flowering plants that are producing a useable form of marijuana shall be cultivated or permitted within a primary residence by a patient or a primary caregiver.
    - c. Cultivation of medical marijuana in a residential unit that is not a primary residence is not permitted.
    - d. For the purposes of this subsection, the term “primary residence” means the place that a person, by custom and practice, makes his or her principal domicile and address to which the person intends to return, following any temporary absence, such as a vacation. Residence is evidenced by actual daily physical presence, use and occupancy of the primary residence and the use of the residential address for domestic purposes, such as, but not limited to, slumber, preparation of and partaking in meals, vehicle and voter registration, or credit, water and utility billing. A person may only

have one (1) primary residence. A primary residence shall not include accessory buildings.

- e. Such cultivation, production or possession of marijuana plants shall be limited to the following space limitations within a residential unit:
  - i. Within a single family dwelling unit (Group R-3 as defined by the International Building Code, as adopted in Chapter 15.04 of the Fruita Municipal Code) a secure defined, contiguous area not exceeding 150 square feet within the residence of the patient or primary caregiver.
  - ii. Within a multi-family dwelling unit (Group R-2 as defined by the International Building Code, as adopted in Chapter 15.04 of the Fruita Municipal Code) a secure, defined, contiguous area not exceeding 100 square feet within the residence of the patient or primary caregiver.
- f. For the purpose of this subsection, a “secure” area means an area within the primary residence accessible only to the patient or primary caregiver. Secure premises shall be locked or partitioned off to prevent access by children, visitors, or anyone not licensed and authorized to possess medical marijuana.
- g. Marijuana plants shall not be grown in the common area of a multi-family residential structure.
- h. If a patient or primary caregiver elects to cultivate quantities of marijuana in excess of the amounts permitted under subsection (b.) above, as permitted in Article XVIII, Section 14(4)(b) of the Colorado Constitution, such patient must be in full compliance with the Colorado Medical Marijuana Program as provided in Section 25-1.5-106(10), C.R.S. and may grow medical marijuana for personal use as a patient or as a primary caregiver for patients as a conditional use within non-residential units or structures in the Tourist Commercial (TC), General Commercial (GC), and the Limited Industrial Research and Development (LIRD) zones only. See subsection (2) below.
- i. The cultivation of medical marijuana plants in a primary residence shall meet the requirements of all adopted City building, electrical, mechanical and safety codes. Any patient or primary caregiver cultivating medical marijuana in a primary residence shall have an initial building and safety inspection conducted by the City, shall comply with any conditions of said inspection, and shall submit to an annual building and safety code inspection thereafter.

- j. The cultivation of medical marijuana plants shall not be permitted on the exterior portions of a residential dwelling unit. The cultivation, production or possession of marijuana plants in a residential unit must not be perceptible from the exterior of the residential dwelling unit and shall comply with the following:
  - i. Any form of signage shall be prohibited; unusual odors, smells, fragrances or other olfactory stimulants shall be prohibited; light pollution, glare, or brightness resulting from grow lamps that disturbs adjacent residents shall be prohibited; and excessive noise from ventilation fans shall be prohibited.
  - ii. Marijuana plants shall be used or consumed exclusively by a patient for the patient's personal use and solely to address a debilitating medical condition.
- k. Any primary caregiver cultivating medical marijuana for patients and providing said marijuana to patients for consideration such as a monetary sum shall obtain a business license from the City pursuant to Chapter 5.04 of the Fruita Municipal Code. Any primary caregiver transferring medical marijuana to a patient for consideration shall also obtain a sales tax license and shall comply with the requirements of Chapter 3.12 of the Fruita Municipal Code concerning collection and payment of municipal sales tax. Any patient obtaining medical marijuana from a primary caregiver for consideration shall pay a medical marijuana excise tax in accordance with Chapter 3.19 of the Fruita Municipal Code which shall be collected by the primary caregiver and remitted to the City.

2. Cultivation of Medical Marijuana by Patients and Primary Caregivers in Non-Residential Zones. The cultivation, production, or possession of marijuana plants for medical use by a patient or primary caregiver, as such terms are defined by Article XVIII, Section 14 of the Colorado Constitution, may be allowed as a conditional use in non-residential buildings in the Tourist Commercial (TC), General Commercial (GC), and the Limited Industrial Research and Development (LIRD) zones only subject to the following conditions:

- a. The cultivation, production or possession of marijuana plants shall be in full compliance with all applicable provisions of Article XVIII, Section 14 of the Colorado Constitution, the Colorado Medical Marijuana Code, Sections 12-43.3-101, *et. seq.*, C.R.S., and the Medical Marijuana Program, Section 25-1.5-106, C.R.S.
- b. Marijuana plants that are cultivated, produced or possessed shall not exceed the presumptive limits of no more than two (2) ounces of a useable form of marijuana per patient and no more than six (6) marijuana plants, with three (3) or fewer being mature, flowering plants that are producing a

useable form of marijuana per patient, unless otherwise permitted under Article XVIII, Section 14 of the Colorado Constitution, shall be cultivated. A caregiver may cultivate medical marijuana for no more than five (5) licensed patients. Two (2) or more primary caregivers shall not join together for the purpose of cultivating medical marijuana within any non-residential unit located in the Tourist Commercial (TC), General Commercial (GC) and the Limited Industrial Research and Development (LIRD) zones.

- c. Marijuana plants shall not be grown in the common area of any commercial or industrial building.
  - d. The cultivation of medical marijuana plants in any building shall meet the requirements of all adopted City building, electrical, mechanical and safety codes. Any patient or primary caregiver cultivating medical marijuana shall have an initial building and safety inspection conducted by the City, shall comply with any conditions of said inspection, and shall submit to an annual building and safety code inspection thereafter.
  - e. The cultivation of medical marijuana plants shall not be permitted on exterior portions of a building. The cultivation, production or possession of marijuana plants within a building or unit must not be perceptible from the exterior of the building or unit.
  - f. Any form of signage, except for address signs and courtesy signs, shall be prohibited; unusual odors, smells, fragrances or other olfactory stimulants shall be prohibited; light pollution, glare or brightness resulting from grow lamps that disturbs adjacent property shall be prohibited; and excessive noise from ventilation fans shall be prohibited.
  - g. Any primary caregiver cultivating medical marijuana for patients and providing said marijuana to patients for consideration such as a monetary sum shall obtain a business license from the City pursuant to Chapter 5.04 of the Fruita Municipal Code. Any primary caregiver transferring medical marijuana to a patient for consideration shall also obtain a sales tax license and shall comply with the requirements of Chapter 3.12 of the Fruita Municipal Code concerning the collection and payment of municipal sales taxes. Any patient obtaining medical marijuana from a primary caregiver for consideration shall pay a medical marijuana excise tax in accordance with Chapter 3.19 of the Fruita Municipal Code which shall be collected by the primary caregiver and remitted to the City.
5. Medical Marijuana Businesses. The cultivation, production or possession of marijuana plants by a medical marijuana center and a medical marijuana optional premises cultivation operation may be allowed as a conditional use in non-residential buildings in the Tourist Commercial (TC), General Commercial (GC),

and the Limited Industrial Research and Development (LIRD) zones only subject to the requirements contained in Chapter 5.15 of the Fruita Municipal Code and the following provisions;

- a. If the City of Fruita's population is less than 20,000 persons, only one (1) medical marijuana center and one (1) optional premises cultivation operation related to a medical marijuana center shall be approved as a conditional use. If the City's population is between 20,000 persons and 30,000 persons, the City of Fruita may grant two (2) conditional use permits for medical marijuana centers and two (2) conditional use permits for optional premises cultivation operations related to medical marijuana centers. Populations shall be determined by the most recent data available from the U.S. Census Bureau and the State of Colorado Demography office. In the event more than one (1) application for a conditional use permit for a medical marijuana business of the same classification are submitted to the City within a period of thirty (30) days, the applications comply with all the requirements of the Fruita Land Use Code, Chapter 5.15 of the Fruita Municipal Code and the Colorado Medical Marijuana Code, but the City is not permitted to approve all of the applications because of the limitations set forth in this subsection, the City shall approve the application that the City Council finds and determines will best promote the intent and purposes of the Fruita Land Use Code, Chapter 5.15 of the Fruita Municipal Code and the Colorado Medical Marijuana Code.
- b. The City shall not receive or act upon an application for a conditional use permit if the building in which the medical marijuana business is to be located is within one thousand feet (1,000') of the following:
  - i. A State licensed public or primary preschool or a State licensed public or private elementary school, middle, junior high or high school;
  - ii. A State licensed residential child care facility;
  - iii. An alcohol or drug treatment facility; or
  - iv. A principal campus of a college, university, or seminary.

The distance shall be computed by direct measurement from the nearest property line of the land used for the above uses to the nearest portion of the building in which the medical marijuana business is to be located.
- c. The City shall not receive or act upon an application for the issuance of a conditional use permit if the building in which the medical marijuana

business is to be located is within five hundred feet (500') of the following:

- i. Any residential land use;
- ii. Any public park or other publicly owned or maintained building open for use by the general public; or
- iii. Any religious institution or place of worship.

The distance shall be computed by direct measurement from the nearest property line of the land used for the above uses to the nearest portion of the building in which the medical marijuana business is to be located.

- d. The City shall not receive or act upon an application for the issuance of a conditional use permit if the application concerns a particular location that is the same as or within one thousand feet (1,000') of a location for which, within the two (2) years immediately preceding the date of the application, the City denied an application for a special use permit for a medical marijuana business due the nature of the use or other concerns related to the specific location.
- e. Marijuana plants, products, accessories, and associated paraphernalia contained in a medical marijuana business shall not be visible to members of the public from a public sidewalk, public street or right-of-way, any other public place, or any portions of the building in which the medical marijuana business is located not restricted to access by patients and employees only.
- f. All signage related to a medical marijuana Business shall meet the standards established in the Fruita Land Use Code. In addition, signs shall be restricted to a total of sixteen square feet, including all temporary signs. No signs associated with a medical marijuana business shall use the words "marijuana", "cannabis", or other any word or phrase commonly understood to refer to marijuana unless such word or phrase is immediately preceded by the word "medical" or the message of such sign includes the words "for medical use" or "for medicinal purposes" in letters that are no smaller than the largest letter on the sign. No depiction of marijuana plants or leaves shall appear on any exterior sign of a medical marijuana business.
- g. Parking requirements for a medical marijuana center shall be based on parking requirements for high volume retail sales.



- h. The medical marijuana business shall be operated in a manner that does not cause any substantial harm to the public health, safety and welfare.
- i. Any conditional use permit granted for a medical marijuana business confers only a limited and conditional privilege subject to the requirements, conditions and limitations of Chapter 5.15 of the Fruita Municipal Code and State law. Any license granted for a medical marijuana business pursuant to Chapter 5.15 may be further regulated, limited or completely extinguished at the discretion of the City Council or the electors of the City, without any compensation to the licensee.
- j. A conditional use permit for a medical marijuana business may be subject to conditions that are reasonably necessary to protect the public health, safety or welfare, including but not limited to the following:
  - i. Limits and requirements on parking and traffic flows;
  - ii. Limits on noise inside the medical marijuana business or on adjacent grounds;
  - iii. Prohibitions on certain conduct in the medical marijuana business;
  - iv. A limitation on the square footage that can be utilized by the medical marijuana business; and
  - v. Any other conditions reasonably necessary to protect the public health, safety and welfare and fulfill the intent and purposes of the Fruita Land Use Code and Chapter 5.15 of the Fruita Municipal Code.”

**17.07.080 LAND USE COMPATIBILITY CRITERIA.**

Some provisions of this Title require an applicant for a land use approval to demonstrate that a proposal is “compatible” with adjacent properties. The purpose of this Section is to provide a fair and consistent manner in which to consider compatibility within the overall context of the Fruita Community Plan, existing adjacent land uses, applicable zoning district requirements, and other city codes and regulations. Nothing in this Section shall prevent the City of Fruita from denying a land use application based on relevant Code requirements or taking enforcement action against a property owner where a nuisance or other Code violation occurs.

For all land uses, “compatibility” is provided when a proposed land use can coexist with other existing uses in the vicinity without one use having a disproportionate or severe impact on the other use(s). The city decision-making body may consider other uses existing and approved, and may consider all potential impacts relative to what customarily occurs in the applicable zone and those which are foreseeable, given the range of land uses allowed in the zone. The review authority may require conditions of approval to promote compatibility between a proposed use

and existing uses in the vicinity to ensure compatibility.

**17.07. 090 LEGAL NON-CONFORMING USES, STRUCTURES, AND LOTS.** Any use, structure, or lot in existence and lawful at the time of adoption of this Title or any subsequent amendment hereto, which is not in conformance with the provisions of this Title or amendment, shall be considered a legal non-conforming use, structure or lot and may continue in existence pursuant to the following:

- A. A legal non-conforming use may be extended throughout the same building, provided no structural alteration of such building is made for the purpose of such extension. A legal non-conforming use of property shall not be expanded on the property unless it is expanded in the building.
- B. A legal non-conforming use shall not be changed to any other use except a conforming use.
- C. Whenever a legal non-conforming use of land or a building has been discontinued for a continuous period of one (1) year, future use of the land or building shall be in conformance with the provisions of this Title.
- D. A structure or building which does not meet the setback, height or other site requirements of this Chapter may be repaired, maintained, or extended, provided any such extension is in full compliance with all provisions of this Title.
- E. A non-conforming structure or building containing a legal non-conforming use which has been damaged by fire or other causes to an extent not exceeding fifty (50) percent of its assumed market value on the day before the calamity may be restored in conformance with the city's building codes, provided such work is commenced within one (1) year of the calamity, and such non-conforming use can be continued. If the structure or building is damaged to the extent of more than fifty (50) percent of assumed market value, the non-conforming use must be discontinued. Assumed market value shall be determined by multiplying the most recent assessed value of the damaged property by four (4). This section shall not apply to single-family houses. Legal non-conforming single-family houses may be rebuilt.
- F. An individual lot which was legally created but does not meet the minimum lot area requirement for the zone in which it is located shall be considered a legal non-conforming lot, and any building situated on such lot shall be considered a legal non-conforming building, subject to the provisions of this Section. Such legal non-conforming lot may be used for construction of a building allowed in the zone, provided all other zoning regulations, including but not limited to setbacks, are met.
- G. Mobile and manufactured homes shall be subject to the provisions of this Code on the date they are removed from their pad or foundation; however, if a mobile or manufactured home was legally established as a single unit/use on a single-family residential property in the City of Fruita, replacing the mobile or manufactured home on

the same site does not require a Conditional Use Permit, but all other standards apply.

- H. Non-conformities must be brought into compliance with all city regulations before annexation or those non-conformities that are to be permitted to continue as legal non-conformities must be identified in the Ordinance annexing the property.

**PASSED AND ADOPTED BY THE FRUITA CITY COUNCIL, THIS  
2nd DAY OF AUGUST, 2011.**

City of Fruita

ATTEST:

\_\_\_\_\_  
H. Kenneth Henry, Mayor

\_\_\_\_\_  
City Clerk