

ORDINANCE NO. 2021-10

AN ORDINANCE AMENDING SECTION 17.39 OF THE FRUITA LAND USE CODE TO UPDATE PARKING STANDARDS IN THE REVISED ZONE DISTRICTS.

WHEREAS, pursuant to C.R.S. §31-15-103 and §31-15-104, and pursuant to the home rule powers of the City of Fruita (“City”), the City Council has the power to make and publish ordinances necessary and proper to provide for the safety, preserve the health, promote the prosperity, and improve the morals, order, comfort, and convenience of its inhabitants; and

WHEREAS, the City Council approved Resolution 2020-09 on February 4, 2020, thereby adopting the City of Fruita Comprehensive Plan Fruita In Motion: Plan Like a Local 2020 (the “Comprehensive Plan”); and

WHEREAS, the Comprehensive Plan summarized those actions intended to implement the goals and policies found throughout the Comprehensive Plan; and

WHEREAS, amendments to Chapter 17 (the “Land Use Code”) of the Fruita Municipal Code (the “Municipal Code”) are necessary to implement certain action items identified within the Comprehensive Plan; and

WHEREAS, the Land Use Code has been established for the purpose of promoting the health, safety and welfare of the present and future inhabitants of the community;

WHEREAS, City staff has proposed additional amendments to the Land Use Code for consideration; and

WHEREAS, the Planning Commission reviewed the amendments contained here in on February 9, 2021 and formalized their recommendation regarding those amendments with a vote of 6-0 of those members present recommending approval of the proposed amendments; and

WHEREAS, the ordinance was introduced at first reading on February 16, 2021 pursuant to Section 2.13(B) of the City Charter; and

WHEREAS, pursuant Section 2.13(C) of the City Charter and Section 17.01.130 of the Municipal Code, a notice of public hearing was published in the Grand Junction Sentinel on January 20, 2021 and a notice was posted a Fruita City Hall on January 18, 2021 for the City Council meeting on February 16, 2021 to consider City staff and Planning Commission recommendations and receive public comments; and

WHEREAS, the City Council finds that passage of Ordinance 2021-10 will promote the health, safety and general welfare of the Fruita community;

WHEREAS, approval of this Ordinance on first reading is intended only to confirm that the City Council desires to comply with the requirement of Section 2.13(B) of the City Charter by setting a public hearing in order to provide the public an opportunity to present testimony and evidence and that approval of this Ordinance on first reading does not constitute a representation that the

City Council, or any member of the City Council, has determined to take final action on this Ordinance prior to concluding the public hearing on second reading.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FRUITA, COLORADO the following:

Section 1. Recitals Incorporated. The above and foregoing recitals are incorporated herein by reference and adopted as findings and determinations of the City Council.

Section 2. Repealed and Re-enacted. Section 17.39 of the Fruita Municipal Code is hereby repealed and re-enacted as shown in Exhibit A.

Section 3. Severability. If any provision of this Ordinance, or the application of such provision to any person or circumstance, is for any reason held to be invalid, such invalidity shall not affect other provisions or applications of this Ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are declared to be severable. The City Council hereby declares that it would have passed this Ordinance and each provision thereof, even though any one of the provisions might be declared unconstitutional or invalid. As used in this Section, the term “provision” means and includes any part, division, subdivision, section, subsection, sentence, clause or phrase; the term “application” means and includes an application of an ordinance or any part thereof, whether considered or construed alone or together with another ordinance or ordinances, or part thereof, of the City.

Section 4. Effective Date. This Ordinance shall take effect thirty days after the date of final passage in accordance with Section 2.13(G) of the City Charter.

Section 5. Safety Clause. The City Council hereby finds, determines and declares that this Ordinance is promulgated under the general police power of the City, that it is promulgated for the health, safety and welfare of the public, and that this Ordinance is necessary for the preservation of health and safety and for the protection of public convenience and welfare. The City Council further determines that the Ordinance bears a rational relation to the proper legislative object sought to be obtained.

Section 6. No Existing Violation Affected. Nothing in this Ordinance shall be construed to release, extinguish, alter, modify, or change in whole or in part any penalty, liability or right or affect any audit, suit, or proceeding pending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing which may have been incurred or obtained under any ordinance or provision hereby repealed or amended by this Ordinance. Any such ordinance or provision thereof so amended, repealed, or superseded by this Ordinance shall be treated and held as remaining in force for the purpose of sustaining any and all proper actions, suits, proceedings and prosecutions, for the enforcement of such penalty, liability, or right, and for the purpose of sustaining any judgment, decree or order which can or may be rendered, entered, or made in such actions, suits or proceedings, or prosecutions imposing, inflicting, or declaring such penalty or liability or enforcing such right, and shall be treated and held as remaining in force for the purpose of sustaining any and all proceedings, actions, hearings, and appeals pending before any court or administrative tribunal.

Section 7. Codification of Amendments. The codifier of the City's Municipal Code is hereby authorized to make such numerical and formatting changes as may be necessary to incorporate the provisions of this Ordinance within the Municipal Code. The City Clerk is authorized to correct, or approve the correction by the codifier, of any typographical error in the enacted regulations, provided that such correction shall not substantively change any provision of the regulations adopted in this Ordinance. Such corrections may include spelling, reference, citation, enumeration, and grammatical errors.

Section 8. Publication. The City Clerk is ordered to publish this Ordinance in accordance with Chapter 2.13(F)(1) of the Fruita Municipal Code.

**PASSED AND ADOPTED BY THE FRUITA CITY COUNCIL ON THIS
16TH DAY OF MARCH 2021.**

CITY OF FRUITA

Joel Kincaid, Mayor

ATTEST:

Margaret Sell, City Clerk

Chapter 17.39 PARKING STANDARDS

Sections:

- 17.39.010 Off-Street Parking Standards; General Provisions**
- 17.39.020 Off-Street Parking Standards; Applicability**
- 17.39.030 Number of Off-Street Parking Spaces Required**
- 17.39.040 Location of Parking Areas**
- 17.39.050 Loading Areas**
- 17.39.060 Parking Area Surfacing**
- 17.39.070 Design of Parking Areas**
- 17.39.080 On-Street Parking Standards for Residential Cul-de-Sacs**

17.39.010 OFF-STREET PARKING STANDARDS; GENERAL PROVISIONS.

The purpose of this chapter is to ensure that sufficient parking is provided to serve the needs of all land uses in the City of Fruita while encouraging appropriate, demand-based provision of parking infrastructure and facilitating travel choices beyond the personal vehicle. Additional spaces above the total minimum number required may be provided up to 150% of the total requirement for a given development.

17.39.020 OFF-STREET PARKING STANDARDS; APPLICABILITY.

- A. Except as provided herein, the provisions of this Chapter shall apply to all uses established or commenced on or after the effective date of this Title.
- B. For uses existing on the effective date of this Title, the number or dimensions of parking spaces shall not be diminished to less than that required for such use under this Chapter, unless a reduction or waiver is approved pursuant to the guidelines set forth in this Chapter.
- C. When an existing use or building is expanded, off-street parking, loading areas and landscaping shall be provided as required for the added floor area, whether or not they were provided for the existing use or building, unless a reduction or waiver is approved pursuant to the guidelines set forth in this Chapter.
- D. When the use of an existing building or land is changed and requires more off-street parking than the existing use, off-street parking, loading areas and landscaping shall be provided as required for the new use, whether or not they were provided for the existing use, unless a reduction or waiver is approved pursuant to the guidelines set forth in this Chapter.

17.39.30 NUMBER OF OFF-STREET PARKING SPACES REQUIRED.

- A. Off-street parking spaces shall be provided according to the following schedule, and when computations result in a fraction, the nearest whole number shall apply. When parking is required for more than one use, the sum of the requirements for all uses shall apply.

Use Categories (Examples of Uses are in Chapter 17.04)	Minimum Motorized Vehicle Parking Per Land Use (fractions rounded down to the closest whole number)	Minimum Bicycle Parking Per Land Use (fractions rounded down to the closest whole number)	Minimum Motorized Vehicle Parking Per Land Use (DMU Zone District)
Residential Categories			
Accessory Dwelling	None	None	None
Single Family Dwelling, including attached and detached dwellings	3 spaces per dwelling unit	None	2 spaces per dwelling unit
Duplex	3.5 spaces per duplex	None	2 spaces per duplex
Multi-family	1 space per studio or 1-bedroom unit 1.5 spaces per 2-bedroom unit 2 spaces/unit per 3-bedroom or larger unit	1 space per unit	0.95 spaces per studio or 1-bedroom unit 1.25 spaces per 2-bedroom unit 2 spaces per 3-bedroom or larger unit
Short-Term Rental	Same as base Residential Use		
Group living, such as nursing or convalescent homes, rest homes, assisted living, congregate care, and similar special needs housing	1 space per 10 beds	1 space per 20 beds	1 space per 10 beds
Commercial Categories			
Drive-up/Drive-in/Drive-Through (drive-up windows, kiosks, ATMs, similar uses/facilities)	See Section 17.39.070 B	None	None
Educational Services, not a school (e.g. tutoring or similar services)	2 spaces per 1,000 sq. ft rentable floor area	1 space per 1,000 sq. ft. rentable floor area	1.5 spaces per 1,000 sq. ft rentable floor area

Entertainment, Major Event	1 space per 6 seats or 4 spaces per 1,000 sq. ft. gross floor area, whichever is greater	2 spaces per 1,000 sq. ft. gross floor area	2 spaces per 1,000 sq. ft. gross floor area
Office, including medical, dental, and veterinary offices (excluding co-working spaces)	2.5 spaces per 1,000 sq. ft. gross floor area	1 space per 1,000 sq. ft. gross floor area	2 spaces per 1,000 sq. ft. gross floor area
Co-Working Spaces	1.5 spaces per 1,000 sq. ft. gross floor area	1 space per 1,000 sq. ft. gross floor area	1 space per 1,000 sq. ft. gross floor area
Outdoor Recreation, Commercial	2 spaces per 1,000 sq. ft	1 space per 1,000 sq. ft	1 space per 1,000 sq. feet
Retail Sales and Service (see also Drive-up Uses)	General Dry Goods: 2 spaces per 1,000 sq. ft	2 spaces per 1,000 sq. ft	1 space per 1,000 sq. ft
	Grocery Stores: 2.5 spaces per 1,000 sq. ft	1 space per 1,000 sq. ft	2 spaces per 1,000 sq. ft
	Food and Beverage: 5 spaces per 1,000 sq. ft	2 spaces per 1,000 sq. ft	2 spaces per 1,000 sq. ft
	Health Clubs, Gyms, Continuous Entertainment (e.g. bowling alleys): 3 spaces per 1,000 sq. ft	2 spaces per 1,000 sq. ft	1 space per 1,000 sq. ft
Bed and Breakfast	0.75 spaces per key	1 space per 4 keys	0.5 spaces per key
Lodging (hotel, motel)	0.75 spaces per key Uses entirely accessory to the hotel will not be subject to a parking requirement. Uses expected to draw external visitors, such as restaurants and conference centers, are subject to the parking requirement applicable to that use.	1 space per 4 keys	0.5 spaces per key Uses entirely accessory to the hotel will not be subject to a parking requirement. Uses expected to draw external visitors, such as restaurants and conference centers, are subject to the parking requirement applicable to that use.
Self-Service Storage	See 17.39.050	None	None
Industrial Categories			

Industrial Service (See also Drive-up Uses)	1 space per 1,000 sq. ft. gross floor area	1 space per 3,000 sq. ft.	N/A
Manufacturing and Production	1 space per 1,000 sq. ft. gross floor area	1 space per 3,000 sq. ft.	N/A
Warehouse and Freight Movement	None	None	N/A
Wholesale Sales	1 space per 1,000 sq. ft. gross floor area	None	N/A
Institutional Categories			
Basic Utilities	None	None	N/A
Community Service	3 spaces per 1,000 sq. ft. gross floor area	2 spaces per 1,000 sq. ft. gross floor area	1.5 spaces per 1,000 sq. ft. gross floor area
Daycare/Childcare	2 spaces per 1,000 sq. ft. gross floor area	1 space per 1,000 sq. ft. gross floor area	1.5 spaces per 1,000 sq. ft. gross floor area
Parks and Open Space	Determined per CU or subdivision review, or no standard	3 spaces per 1,000 sq. ft.	Determined per CU or subdivision review, or no standard
Religious institutions and Houses of Worship	10 spaces per 1,000 sq. ft. of main assembly area	2 spaces per 1,000 sq. ft. of main assembly area	6 spaces per 1,000 sq. ft. of main assembly area
Schools	<u>Grade, elementary, middle, junior high schools:</u> 2 spaces per classroom	5 spaces per classroom	<u>Grade, elementary, middle, junior high schools:</u> 2 spaces per classroom
	<u>High Schools:</u> 7 per classroom	5 spaces per classroom	<u>High Schools:</u> 7 per classroom
Other Categories			
Accessory Uses (with a permitted use)	None	None	None
Agriculture- Nurseries and Similar Horticulture	See Retail Sales and Wholesale, as applicable	See Retail Sales and Wholesale, as applicable	See Retail Sales and Wholesale, as applicable
Temporary Uses	As required by Section 17.13.040	As required by Section 17.13.040	As required by Section 17.13.040

- B. For all uses requiring a Conditional Use Permit, the Community Development Department Director may require a parking demand and supply analysis prepared by a qualified firm or party.

C. Other Uses. For uses not specifically listed above the Community Development Department Director may require a parking demand and supply analysis prepared by a qualified firm or party.

D. Reduction and Waiver Opportunities

1. Alternative Requirements. Alternative requirements to those set forth in Section 17.39.030 are available for uses that advance the City of Fruita’s Comprehensive Plan.

Use/Amenity	Alternative Requirement	Applicable Zone(s)
Affordable Housing	0.5 spaces per studio or 1-bedroom unit 0.75 spaces per 2-bedroom unit 1.25 spaces per 3-bedroom or larger unit	All
Supportive Housing	0.25 spaces per unit	All
Independent Senior Living (55+)	0.75 spaces per unit	All
Assisted Senior Living (55+)	0.5 spaces per unit	All

2. Standard Reductions. Standard reductions are available for amenities that advance the City of Fruita’s Comprehensive Plan. Standard reductions can be deducted automatically from the applicable minimum parking requirement pursuant to Section 17.39.030 if the stated criteria is met, as determined by the Community Development Department Director.

Use/Amenity	Standard Reduction	Applicable Zone(s)
Park or plaza of at least 1,000 sq. ft, open to the public at least 8 hours per day	15% reduction	All
Residential Primary Uses Only: On-site car sharing program, including peer-to-peer programs. The carshare program	5 required vehicle parking spaces reduced for each 1 car share space provided	All

must be active and available in the same building or on the same zone lot as the primary use and made available to building residents.		
On-site bike share program, including peer-to-peer programs. The bikeshare program must be active and located in the same building, on the same zone lot, or in the public right-of-way abutting the subject zone lot. The bike share program must be publicly available.	1 required vehicle parking space reduced for every 4 bike share spaces provided	DMU

3. Demand Analysis. An applicant may propose parking in amounts less than listed in Table 17.39.030 by submitting a parking demand analysis prepared by a qualified third party firm or professional to the Community Development Director for review and approval. The Community Development Director may, at his or her discretion, request the applicant submits supplemental information prepared by a qualified professional, which may include but is not limited to examples from similar uses in other comparable communities. The analysis shall be reviewed concurrently with other pending proposed land use application(s), if any.
4. Off-Site Parking. Applicants may provide parking off-site within a 1,000' ADA-accessible walking distance from the entrance to the proposed development. Parking at the off-site location can be reserved, or shared if a parking study prepared by a qualified third party demonstrating the ability to accommodate shared parking is provided. An applicant requesting the joint use of parking spaces shall submit the final, executed written agreement between the property owners, and a copy of such agreement, once executed, shall be recorded with the Mesa County Clerk and Recorder's Office. If the agreement is terminated at any time, the applicant must fulfill their parking needs at an alternative location and submit the new agreement or proposal to the City.
5. Shared Community Parking (Applicable only in the DMU Zone): Commercial buildings (or commercial portions of mixed-use buildings) in the DMU Zone are eligible for a waiver of parking requirements with the submission of a parking

demand and supply analysis demonstrating the ability of surrounding publicly-available parking to accommodate projected demand. Publicly-available parking surveyed must be within a 1,000' ADA-accessible walking distance from the proposed development entrance.

17.39.040 LOCATION OF PARKING SPACES.

- A. Off-street parking shall be located only on portions of a lot improved for parking purposes, consistent with city standards and as approved by the city decision-making body. Enclosed underground parking spaces may be located anywhere on the lot.
- B. Parking areas shall not be located closer than five (5) feet to any public sidewalk (see also Section 17.39.070.G.2.a).
- C. Non-residential parking areas containing more than five parking spaces shall not be located closer than ten (10) feet to any residential zone or residential land use. This requirement does not apply in the DMU zone or commercial portions of a CMU zone.
- D. Bicycle parking spaces shall be located as close as possible to the entrance to the building or land use and shall not interfere with motorized or pedestrian traffic.

17.39.050 LOADING AREAS. For those uses requiring deliveries or service by truck and which are not contiguous to an alley, an off-street delivery truck berth at least fourteen (14) feet wide and thirty (30) feet long shall be provided in addition to the required parking area. Where the property or use is served or designed to be served by tractor-trailer delivery vehicles, the off-street loading berth shall be designed so that delivery vehicles using the loading area do not obstruct traffic movements in the parking area or in the public right-of-ways.

17.39.060 PARKING AREA SURFACING. All parking areas including bicycle parking areas shall be surfaced with asphalt, concrete or brick, except the Agricultural Residential and Rural Estate zones. All parking areas and driving aisles which are not paved shall provide a dust-free surface whether the parking area and driving aisles are required by this Title or not. This includes parking for heavy equipment and overflow parking areas.

17.39.070 DESIGN OF PARKING AREAS. The following design standards shall be met for all parking areas, whether or not the parking area is required.

A. Access.

Except single and two (2) family residential dwellings, each access way between a public street and the parking area shall be not less than fifteen (15) feet or more than thirty-two (32) feet wide at the intersection of the access way with the public street, and a divider stop at least six (6) feet long shall be installed if the access way exceeds twenty-five (25) feet in width. Each access way shall be clearly and permanently marked and defined through the use of landscaping, rails, fences, walls or other barriers or markers. Said marking and

defining may be augmented by painting or striping.

B. Stacking Spaces.

For any drive-in or drive-through retail use (such as fast food or pharmacy), four (4) stacking spaces shall be provided for each window, or counter on the entrance side, and one (1) such space on the exit side. For service uses (such as gas stations, quick lube and car washes), two stacking spaces shall be provided for each bay on the entrance side and one such space on the exit side. Stacking spaces shall not interfere with other required parking areas. Stacking spaces must measure at least twenty-two (22) feet long by ten (10) feet wide.

C. Parking for the Disabled.

Parking shall be provided pursuant to the Americans With Disabilities Act guidelines and standards. In the event the Americans with Disabilities Act, as amended, or the city's building codes adopted pursuant to Title 15 of the Fruita Municipal Code contain additional requirements, the strictest standard shall apply.

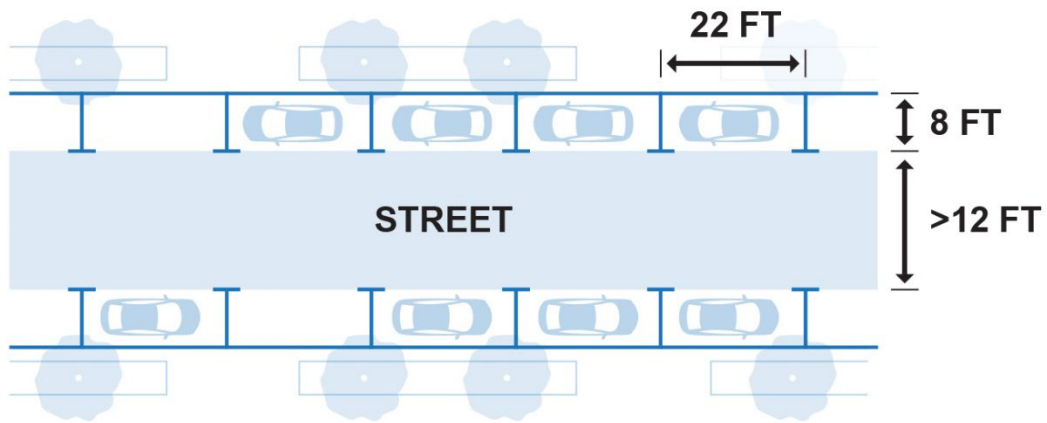
Minimum Number of Accessible Parking Spaces			
Total Number of Parking Spaces Provided (per	Total Minimum Number of Accessible Parking Spaces	Van Accessible Parking Spaces with min. 96" wide access	Accessible Parking Spaces with min. 60" wide access aisle
	Column A 1		
1 to 25	1	1	1
26 to 50	2	1	1
51 to 75	3	1	2
76 to 100	4	1	3
101 to 150	5	1	4
151 to 200	6	1	5
201 to 300	7	1	6
301 to 400	8	1	7
401 to 500	9	2	7
501 to 1000	2% of total parking spaces	1/8 of Column A**	7/8 of Column A***
1001	20 plus 1 for each 100 over 1000	1/8 of Column A**	7/8 of Column A***
*vans and cars may share access aisles		***7 out of every 8 accessible parking	
**one out of every 8 accessible spaces			

D. Parking Area Layout.

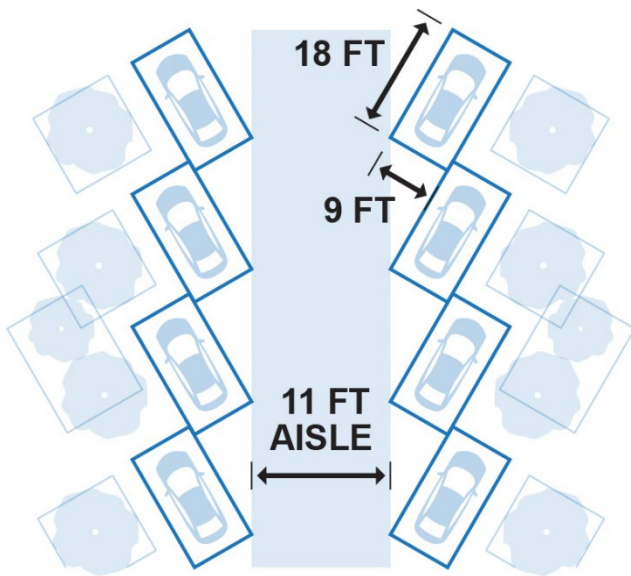
The dimensions of required off-street parking areas shall comply with the standards shown in the following Parking Dimensions Table.

Parking Dimension

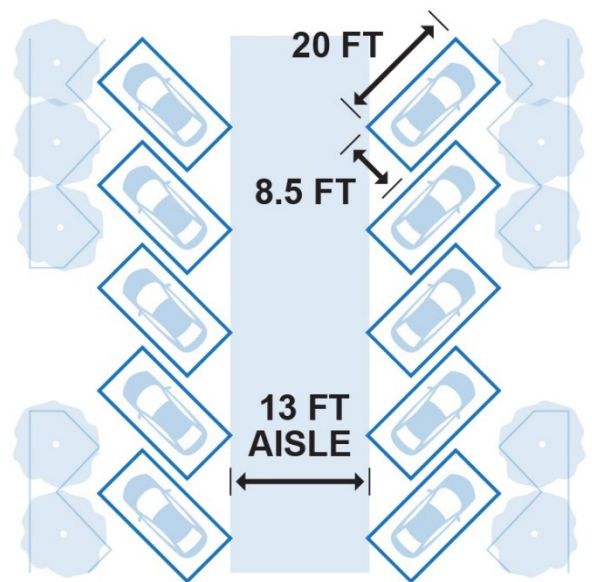
Parking	Stall (feet)	Stall (feet)	Aisle (feet)
0°	8.0	22.0	12
30°	9.0	18.0	11
	9.5	18.0	11
	10.0	20.0	11
45°	8.5	20.0	13
	9.0		12
	9.5		15
60°	8.5	21.0	18
	9.0		16
	9.5		15
75°	8.5	19.5	25
	9.0		23
	9.5		22
90°	8.5	18.5	28
	9.0		25
	9.5		24



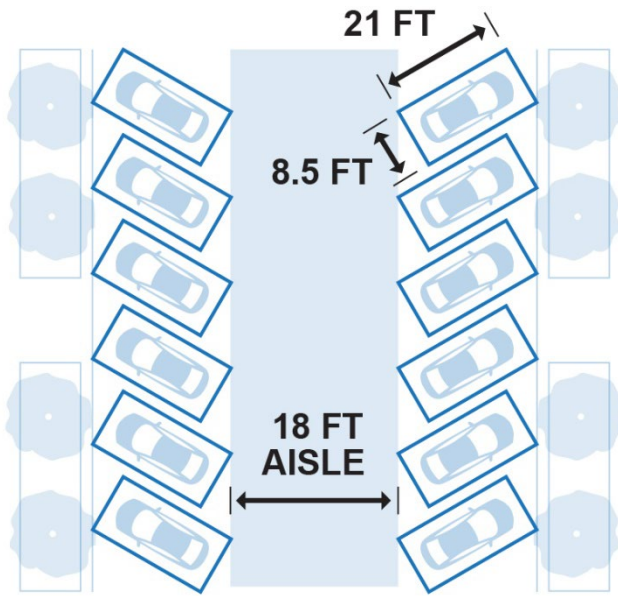
PARALLEL PARKING (ZERO-DEGREE)



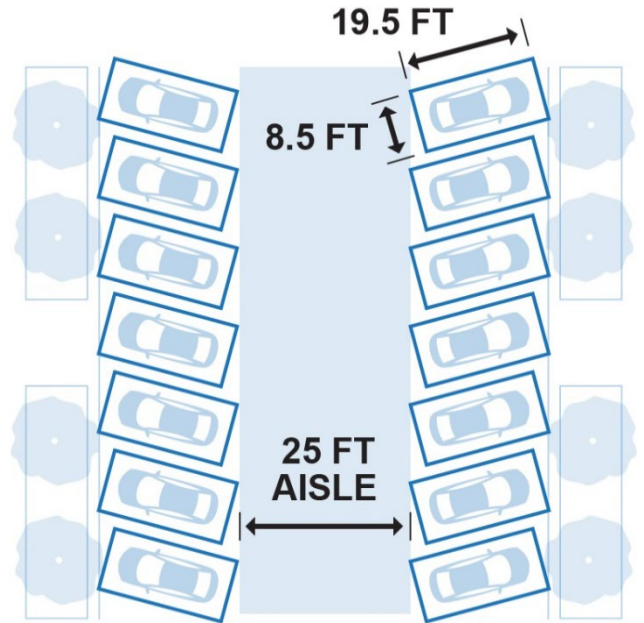
30-DEGREE PARKING



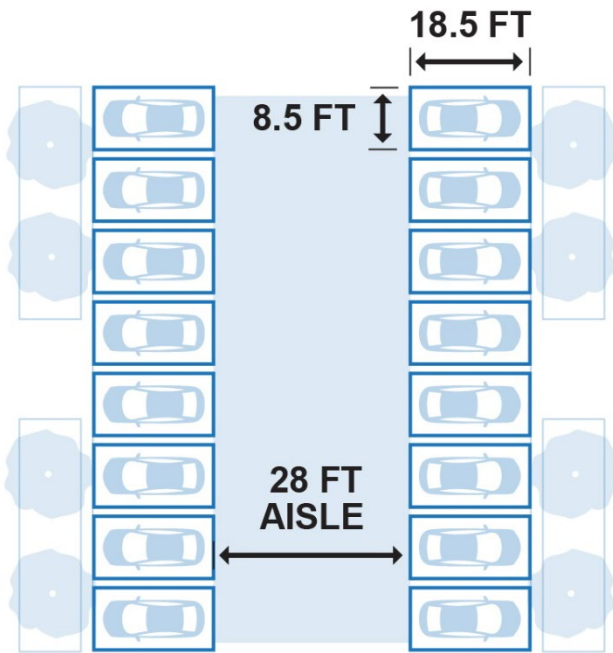
45-DEGREE PARKING



60-DEGREE PARKING



75-DEGREE PARKING



**PERPENDICULAR PARKING
(90-DEGREE)**

E. Grade of Parking.

Outdoor parking areas shall not exceed a four (4) percent grade and shall be not less than one (1) percent grade. The grade of access-ways shall not exceed four (4) percent within one hundred (100) feet of the intersection with a public street.

F. Bicycle Parking Design

Bicycle parking devices shall be designed to allow one tire and the frame of the bicycle to be locked to the parking device with a standard U-lock and shall support the bicycle by the frame and not the tire.

G. Landscaping of Parking Areas.

1. Parking areas. For parking lots containing more than fifteen (15) parking spaces, a minimum ten (10) percent of the total surface area of all parking areas, as measured around the perimeter of all parking spaces and maneuvering areas, shall be landscaped in addition to landscape requirements contained in other areas of this Code. Such landscaping shall consist of evenly distributed shade trees with shrubs and/or ground cover. "Evenly distributed" means that the trees and other plants are distributed around the parking lot perimeter and between parking bays to provide a partial shade canopy during summer months. At a minimum, one tree per seven (7) parking spaces shall be planted to create a partial tree canopy over and around the parking area. All parking areas with more than twenty (20) spaces shall include landscape islands with trees to break up the parking area into rows of not more than twelve (12) contiguous (side-by-side) parking spaces. All parking area landscapes shall have dimensions of not less than twenty-four (24) square feet of area, or not less than four (4) feet in width by six (6) feet in length, to ensure adequate soil, water, and space for healthy plant growth. Such areas shall have irrigation.
2. Buffering and Screening Required. Buffering and screening are required under the following circumstances:
 - a. Parking/Maneuvering Area Adjacent to Streets and Walkways. Where a parking or vehicle maneuvering area is within twenty (20) feet of a public street, sidewalk or walkway, an evergreen plant screen (e.g., ground covers and hedge) or decorative masonry wall, arcade, trellis, or similar partially opaque structure at least three (3) feet in width and three (3) feet in height shall be established between the parking/vehicle maneuvering area and public street, sidewalk or walkway as applicable. The required screening shall have breaks or portals to allow visibility (natural surveillance) into the site and to allow pedestrian access to any adjoining walkways. Hedges used to comply with this standard shall be a minimum of thirty-six (36) inches, and not more than forty-eight (48) inches, in height at maturity, and shall be of such species, number, and spacing to provide year-round screening within one (1) year after planting. Landscaping must consist of desert landscaping

or drought tolerant plant species as identified by the Colorado State University Tri-River Extension Service.

- b. Parking/Maneuvering Area Adjacent to Building or private street, sidewalk or walkway. Where a parking or maneuvering area or driveway is adjacent to a building or private street, sidewalk or walkway, the area shall be separated from the building private street, sidewalk or walkway by a curb or wheel stops and a raised walkway, plaza, or landscaped buffer. Raised curbs, bollards, wheel stops, or other design features shall be used to protect pedestrians, landscaping, and buildings from being damaged by vehicles. Where parking areas are located adjacent to residential ground-floor living space, a five (5) foot wide landscape buffer with a curbed edge may fulfill this requirement.