

**FRUITA CITY COUNCIL  
WORKSHOP MEETING  
JANUARY 26, 2016  
6:30 PM**

1. DISCUSSION CONCERNING THE SKATE PARK PETITION (6:30 – 6:40 PM)
2. MUNICIPAL COURT UPDATE AND SECURITY DISCUSSION WITH JUDGE BROWN (6:40 – 7:00 PM)
3. DISCUSSION CONCERNING “DOGS AT LARGE” DEFINITIONS AND CONFLICTS IN THE FRUITA MUNICIPAL CODE 7:00 – 7:15 PM)
4. DISCUSSION CONCERNING THE GENERAL REQUIREMENTS OF CHAPTER 17.7 OF THE FRUITA LAND USE CODE (7:15 – 7:45 PM)
5. DISCUSSION CONCERNING DRAINAGE DISTRICT FEES (7:45 – 8:00 PM)
6. OTHER ITEMS (8:00 PM)
7. ADJOURN



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## AGENDA ITEM COVER SHEET

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**TO: FRUITA CITY COUNCIL AND MAYOR**  
**FROM: MICHAEL BENNETT, CITY MANAGER**  
**DATE: JANUARY 26, 2016**  
**RE: RECEIVE INPUT FROM FRUITA MONUMENT HIGH STUDENT, TREVOR BINGHAM REGARDING HIS CLASS PROJECT AND PETITION TO UPDATE THE SKATE PARK**

### **BACKGROUND**

Fruita Monument High School student Trevor Bingham is conducting a school project which led him to look into the city's skate park, create a petition seeking to update the park and recently he met with the Fruita Parks and Recreation Advisory Board. The Board and staff shared with Trevor that the park is not currently on the top of the list for capital improvements and listened and appreciate the comments and insight Mr. Bingham has shared. Mayor Lori Buck invited Mr. Bingham to meet with the City Council at the January Workshop. Mr. Bingham's email that initiated the invite to City Council is quoted below.

*Hello, my name is Trevor Bingham and I'm a sixteen year old student at Fruita Monument High School and for a project in school we had to choose an issue, research it and contact people within the government, local or national, and try to get the word out about it. The issue I chose is a new or updated skatepark in Fruita, because although this is a project for a grade I chose something that I feel would greatly impact Fruita for the good. Riding bikes and doing BMX is one of the most important things to me and lots of other people, and the skatepark that has been supplied for us by the City of Fruita, although we are extremely grateful for it, does not fit the progression and skill we are trying to reach. Having a better skatepark with more obstacles would increase the amount of people who visit the skatepark and Fruita from all around the valley and allow me and lots of my friends to continue to do something we are in love with and continue to have fun and progress at it. Here's a link for a petition I made:*

[https://www.change.org/p/fruita-city-council-updated-skatepark-in-fruita-colorado?recruiter=441377414&utm\\_source=share\\_petition&utm\\_medium=copylink](https://www.change.org/p/fruita-city-council-updated-skatepark-in-fruita-colorado?recruiter=441377414&utm_source=share_petition&utm_medium=copylink)

*Thanks,  
Trevor Bingham*



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## AGENDA ITEM COVER SHEET

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**TO: FRUITA CITY COUNCIL AND MAYOR**

**FROM: MIKE BENNETT, CITY MANAGER**

**DATE: JANUARY 26, 2016**

**RE: PRESENTATION FROM JUDGE RANDY BROWN REGARDING  
SECURITY OF THE COURTROOM/COUNCIL CHAMBERS AND  
UPDATE ON FILINGS WITH THE COURT**

### **BACKGROUND**

Judge Randy Brown requested to give the City Council a presentation regarding security in the Courtroom/Council Chambers and an update on filings with the Fruita Municipal Court. He will also discuss the future of the Teen Court Program.

Attached are documents provided by Judge Brown.

MUNICIPAL COURT REPORT - FILED CASES

FRUITA MUNICIPAL COURT

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Report For January 1, 2009 Thru December 31, 2015

FILEDST

Violations by Filed Date...

CITY ORDINANCE	1,551	
TRAFFIC	1,532	
PARKING	752	
Total Filed Violations		3,835

Completed Cases...

Paid Fine...

CITY ORDINANCE	158	
TRAFFIC	641	
PARKING	456	
Total Paid Fines		1,255

Before Judge...

CITY ORDINANCE	867	
TRAFFIC	666	
PARKING	206	
Total Before Judge		1,739

Total Completed		2,994
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Other Completed...

DISMISSED BY COMPLAINTANT

CITY ORDINANCE	13	
TRAFFIC	11	
PARKING	52	
Total		76

DISMISSED AFTER DEFERRED

CITY ORDINANCE	345	
TRAFFIC	129	
PARKING	0	
Total		474

DISMISSED/PRESENTED INSURANCE

CITY ORDINANCE	0	
TRAFFIC	5	
PARKING	0	
Total		5

DISMISSED BY JUDGE

CITY ORDINANCE	16	
TRAFFIC	12	
PARKING	0	
Total		28

DISMISSED BY PROSECUTOR



MUNICIPAL COURT REPORT - FILED CASES

FRUITA MUNICIPAL COURT

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Report For January 1, 2009 Thru December 31, 2015

FILEDST

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CITY ORDINANCE	88		
TRAFFIC	25		
PARKING	1		
Total		114	
FOUND NOT GUILTY			
CITY ORDINANCE	2		
TRAFFIC	1		
PARKING	0		
Total		3	
Not Guilty			
CITY ORDINANCE	5		
TRAFFIC	0		
PARKING	0		
Total		5	
VOIDED DOCKET			
CITY ORDINANCE	0		
TRAFFIC	1		
PARKING	1		
Total		2	
Total Other Completed		707	
Grand Total Completed		3,701	
Net Difference Filed/Complete		134	
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Warrants...

Issued...

CITY ORDINANCE	244		
TRAFFIC	19		
PARKING	0		
Total Violations		263	
Total Warrants Issued		215	

Cleared...

CITY ORDINANCE	242		
TRAFFIC	19		
PARKING	0		
Total Violations		261	
Total Warrants Cleared		208	

Change in Total Warrants 7

Other Paid Cases...

Paid Fine...

Total Other Paid Fines	0		
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## MUNICIPAL COURT REPORT - FILED CASES

## FRUITA MUNICIPAL COURT

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Report For January 1, 2009 Thru December 31, 2015

FILEDST

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FINE FINE	\$208,578.68
CCOST COURT COSTS	\$35,298.56
CSFEE COMMUNITY SERVICE FEE	\$3,555.63
REST RESTITUTION	\$41,224.22
WF WARRANT FEE	\$6,211.17
DFLT DFLT JUDGMENT	\$5,888.00
SUPFEE SUPERVISION FEE	\$15,315.86
OPFEE OVERPAYMENT FEE	\$20.00
CSBO COMMUNITY SERVICE BUYOUT	\$9,555.00
OJW OJW	\$1,540.00
CCOST2 TRL COURT COSTS	\$50.00
BF BOND FORFEITURE	\$3,630.00
RESFPD RESTITUTION- FRUITA PD	\$411.00
JTFEE JURY TRIAL FEE	\$125.00
PROB PROBATION VIOLATION FEE	\$50.00
MISFEE MISDEMEANOR FEE	\$2,260.00
Total Fees/Fines Paid	\$333,713.12

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	2014	2013	2012	2011	2010	2009	T
040 LEAVING WRECKED OR DISMANTLED VEHILES ON	0	100-%	1	100-%	0	0-%	0
101 DROVE VEHICLE WITHOUT A VALID DRIVERS LI	0	0-%	0	0-%	0	100-%	1
121 FAILED TO DISPLAY REGISTRATION	1	100-%	0	0-%	0	0-%	0
201 OBSTRUCTION OF VIEW OR DRIVING MECHANISM	1	67-%	3	200-%	1	67-%	3
202 DEFECTIVE EQUIPMENT	0	0-%	0	100-%	1	50-%	2
204 FAILED TO DISPLAY LAMPS WHEN REQUIRED	0	100-%	1	100-%	0	0-%	0
206 NO LICENSE PLATE LIGHT	0	100-%	1	100-%	0	0-%	0
227 OBSTRUCTED VIEW	0	0-%	0	100-%	2	100-%	1
236 SAFETY BELT REQUIRED CHILD	1	50-%	2	100-%	1	50-%	2
237 SAFETY BELT REQUIRED	1	89-%	9	0-%	9	29-%	7
603 OBEDIENCE TO OFFICIAL TRAFFIC CONTROL	2	100-%	1	67-%	3	75-%	12
604 FAILED TO STOP AT RED LIGHT	2	100-%	0	100-%	1	67-%	3
607 INTERFERANCE WITH OFFICIAL DEVICES	0	0-%	0	0-%	0	0-%	0
702 FAIL TO YEILD ROW ON LEFT TURN	3	50-%	2	100-%	0	100-%	1
703 FAIL TO STOP AT STOP SIGN	45	50-%	30	23-%	39	15-%	34
704 FAILED TO YIELD RIGHT OF WHEN ENTER HWY	0	0-%	0	0-%	0	100-%	1
802 FAILUE TO YIELD ROW TO RED	1	100-%	0	0-%	0	0-%	0
803 CROSSING AT OTHER THAN CROSS WALK	0	0-%	0	0-%	0	0-%	0
805 PEDESTRIANS WALKING OR TRAVELING IN A WH	0	100-%	1	100-%	0	0-%	0
807 FAILURE TO EXERCISE DUE CARE FOR PEDESTR	1	100-%	0	0-%	0	0-%	0
902 MADE U-TURN WHERE PROHIBITED	2	100-%	0	0-%	0	0-%	0
1003 PASSED ON LEFT IN AN UNSAFE MANNER	0	100-%	1	100-%	0	0-%	0
1004 PASS ON RIGHT WHEN NOT SAFE/PERMITTED	0	100-%	1	0-%	1	0-%	1
1005 PASSED ON LEFT WHEN PROHIBITED BY MARKIN	0	0-%	0	100-%	1	100-%	0
1006 DROVE VEHICLE WRONG WAY AROUND ROTARY IS	0	0-%	0	0-%	0	0-%	0
1007 DRIVING ON ROADWAYS LANED FOR TRAFFIC	1	0-%	1	0-%	1	83-%	6
1008 FOLLOWING TO CLOSELY	3	63-%	8	14-%	7	600-%	1
1101 SPEED TO FAST FOR CONDITIONS	0	0-%	0	0-%	0	100-%	12
1201 IMPROPER START FROM PARKED POSITION	0	0-%	0	100-%	1	100-%	0
1202 PARK/ABANDON VEH PARKED IN ROADWAY	1	100-%	0	0-%	0	0-%	0
1204 PARKING PROHIBITED BY SIGN	22	175-%	8	74-%	31	41-%	22
1205 PARKING AT CURB OR EDGE OF ROADWAY	0	0-%	0	0-%	0	100-%	51
1208 HANDICAPPED PARKING ONLY	2	100-%	1	75-%	4	43-%	7
1211 UNLAWFUL BACKING	2	50-%	4	100-%	2	100-%	1
1212 PARKING IN ALLEY PROHIBITED	3	100-%	0	0-%	0	0-%	0
1401 RECKLESS DRIVING	0	0-%	0	0-%	0	0-%	0
1402 CARELESS DRIVING	16	14-%	14	33-%	21	40-%	15
1409 FAILED TO PROVIDE PROOF OF INSURANCE	2	0-%	2	0-%	2	50-%	4
16-2 PEDESTRIAN IN ROADWAY	0	0-%	0	0-%	0	0-%	0
1605 DUTY UPON STRIKING HIGHWAY FIXTURE OR TR	0	0-%	0	0-%	0	100-%	1
703Y FAIL TO YIELD AT STOP SIGN	0	0-%	0	100-%	1	100-%	0
9050 CONCEALED WEAPON	0	0-%	0	0-%	0	0-%	0
1204D PARKING W/IN 30FT OF STOP SIGN	0	100-%	1	100-%	0	0-%	0
12051 PARKED ON WRONG SIDE OF ROADWAY	25	7-%	27	29-%	21	40-%	15
1205A PARKED BEYOND 12 INCHES FROM CURB	5	150-%	2	100-%	0	100-%	2
703-3 FAILURE TO STOP CAUSING ACCIDENT	0	0-%	0	0-%	0	100-%	2
703-4 FAILURE TO YIELD AT YIELD INTERSECTION	0	0-%	0	100-%	1	100-%	0
80-55 PARKING	8	33-%	6	200-%	2	90-%	19
91002 USE OF TOBACCO BY A MINOR	0	0-%	0	0-%	0	100-%	1
091103 PUBLIC NUISANCES	1	0-%	1	100-%	0	0-%	0
101203 ABANDON VEHICLE	0	0-%	0	100-%	1	100-%	0
109-12 LOW-POWER SCOOTERS, ANIMALS, SKIS, SKATE	0	0-%	0	0-%	0	100-%	1
1101-1 SPEED 1 TO 4 MPH OVER SPEED LIMIT	5	50-%	10	23-%	13	44-%	9
1101-2 SPEEDING 5 TO 9 OVER POSTED LIMIT	36	37-%	57	6-%	54	54-%	35
1101-3 10 TO 19 OVER SPEEDING	30	3-%	31	72-%	18	80-%	10

	2014	2013	2012	2011	2010	2009	T
1101-4 SPEEDING 20 TO 24 OVER POSTED LIMIT	0	3	0	2	5		32
1101-5 SPEEDING 10 TO 19 OVER THE POSTED SPEED	0	0	0	10	49		61
1101-6 25 AND OVER SPEED LIMIT	0	0	0	0	4		0
115-30 PARKING FOR CERTAIN PURPOSES PROHIBITED	0	2	0	0	0		0
12041A PARKING ON SIDEWALK	18	15	13	54	8		13
12041C PARKING ON CROSSWALK	0	0	0	0	0		1
12041K PARKING WHERE PROHIBITED BY SIGN	2	1	0	3	0		1
12042A PARKING W/IN 5FT OF DRIVEWAY	8	4	10	19	13		20
12042B PARKING W/IN 15FT OF FIRE HYDRANT	0	0	0	6	7		2
12042C PARKING W/IN 20FT OF CROSSWALK/INTERSCTN	1	0	1	1	5		4
12042D PARK WITHIN 30 FEET FROM STOP SIGN	2	0	1	0	0		0
12043B PARKING IN FIRE LANE/PROHIBITED BY SIGN	1	0	0	1	0		1
1211-a LIMITATIONS ON BACKING	0	0	0	0	1		0
13.020 PLANNING CLEARANCES	0	0	1	0	0		0
17.030 ANIMAL CONTROL RESTRICTIONS BY ZONE DIST	0	0	1	0	0		0
170707 SUPPLEMENTAL ZONING REGULATIONS AND STAN	0	1	0	0	0		0
608010 ANIMAL AT LARGE	38	37	50	24	28		37
60810B ANIMAL AT LARGE - SECOND OFFENSE	0	5	1	0	1		0
609010 DISTURBING THE PEACE - ANIMAL	4	6	1	1	3		0
609020 PUBLIC NUISANCE	0	1	0	1	1		1
610010 QUANTITY OF HOUSEHOLD PETS RESTRICTED	0	0	0	0	1		0
611010 DANGEROUS ANIMAL	10	3	6	3	4		2
611020 FAILURE TO CONTROL ANIMAL	10	6	8	7	12		7
616010 VACCINATION REQUIRED	2	7	4	6	11		9
616020 LICENSING	0	3	3	5	8		7
616030 LICENSE TO BE WORN	0	2	1	2	4		6
624010 CRUELTY TO ANIMALS	0	0	0	0	1		3
804020 FAILED TO CUT WEEDS ON PROPERTY AS REQUI	0	2	3	3	2		1
804030 FAILED TO REMOVE AND PROPERLY DISPOSE OF	0	0	2	3	2		1
815020 TRAILER PARKED PAST 12 HRS	0	3	0	0	0		0
815030 RECREATIONAL VEHICLE AND TRAILER PARKING	0	0	0	0	1		0
901002 ASSAULT	3	5	7	13	9		10
901004 CURFEW VIOLATION	5	2	14	6	17		9
901007 CRIMINAL MISCHIEF	2	8	3	16	7		4
901008 DISORDERLY HOUSE	0	0	1	2	1		1
901009 DISTURBING THE PEACE	1	3	1	3	6		0
901010 DISORDERLY CONDUCT	2	2	8	15	30		13
901017 PUBLIC INDECENCY	0	0	1	1	0		3
901023 RESISTING ARREST	0	0	0	0	0		1
901024 THEFT < \$100	14	21	27	22	19		21
901025 CRIMINAL TAMPERING	0	0	3	3	2		0
901026 THROWING MISSILES/STONES: 1ST OFFENSE	0	0	0	0	1		0
901027 TRESPASSING	10	8	7	17	8		6
901030 INTERFERING WITH STAFF AT AN EDUCATION F	2	0	0	1	0		0
901032 BEGGING, UNLAWFUL SOLICITITNG	0	0	0	0	0		1
901034 SOLICITORS/PEDDLERS - INVITATION REQUIRE	0	0	0	0	0		2
901037 LOITERING	0	0	1	0	0		0
901039 THEFT BY RECIEVING	0	0	2	2	0		1
901040 HARASSMENT	9	3	6	12	14		10
901068 DISORDERLY HOUSE	0	0	0	0	0		1
902001 UNNECESSARY NOISE	3	1	0	6	5		1
902002 USE OF SOUND AMPLIFICATION DEVICES	0	0	0	1	0		0
9024-2 THEFT >\$100	0	0	1	1	2		0
903002 PARKS AND PUBLIC GROUNDS PROHIBITED ACTS	0	5	0	0	0		0
903003 HOURS OF OPERATION	4	0	10	5	0		1

	2014		2013		2012		2011		2010		2009	T
905001 UNLAWFUL CARRYING A CONCEALED WEAPON-UNL	0	0 %	0	100-%	1	100 %	0	0 %	0	0 %	0	0
905003 UNLAWFUL DISCHARGE OF A FIREARM	0	0 %	0	0 %	0	0 %	0	0 %	0	0 %	0	100-%
908010 DRINKING OF ALCOHOLIC BEVERAGE PROHIBITE	6	25-%	8	700 %	1	100 %	0	0 %	0	0 %	0	100-%
908020 DISTRIBUTION TO MINORS AND OTHERS PROHIB	0	100-%	2	100 %	0	0 %	0	0 %	0	0 %	0	0 %
908030 ILLEGAL POSSESSION OR CONSUMPTION OF ETH	2	67-%	6	68-%	19	46 %	13	100 %	0	0 %	0	0 %
908040 UNLAWFUL POSSESSION/CONSUMPTION OF ALCOH	10	100 %	0	0 %	0	100-%	11	38 %	8	60 %	5	60 %
908050 ILLEGAL POSSESSION/COMSUMPTION OF MARIJU	23	23-%	30	500 %	5	58-%	12	71-%	41	141 %	17	141 %
908060 POSSESSION OF DRUG PARAPHENALIA	2	86-%	14	56 %	9	25-%	12	37-%	19	138 %	8	138 %
908070 OPEN AND PUBLIC USE OF MARIJUANA	3	100 %	0	0 %	0	0 %	0	0 %	0	0 %	0	0 %
908075 CULTIVATION OF MARIJUANA	1	0 %	1	100 %	0	0 %	0	0 %	0	0 %	0	0 %
910020 POSSESSION/USE OF TOBACCO BY A MINOR	5	62-%	13	7-%	14	17 %	12	140 %	5	38-%	8	38-%
911007 PUBLIC NUISANCE	0	0 %	0	0 %	0	0 %	0	100-%	1	100 %	0	100 %
911050 PUBLIC NUISANCE	0	100-%	1	0 %	1	0 %	1	100 %	0	100-%	1	100-%
912005 LITTERING	1	50-%	2	100 %	0	0 %	0	100-%	1	0 %	1	100-%
<b>** Report Total:</b>	<b>**</b>	<b>426</b>	<b>8-%</b>	<b>462</b>	<b>5-%</b>	<b>487</b>	<b>22-%</b>	<b>620</b>	<b>1 %</b>	<b>612</b>	<b>16-%</b>	<b>727</b>

MUNICIPAL COURT REPORT - FILED CASES

FRUITA MUNICIPAL COURT

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Report For January 1, 2015 Thru December 31, 2015 FILEDST

Violations by Filed Date...

TRAFFIC	170	
CITY ORDINANCE	168	
PARKING	84	
Total Filed Violations		422

Completed Cases...

Paid Fine...

TRAFFIC	115	
CITY ORDINANCE	30	
PARKING	71	
Total Paid Fines		216

Before Judge...

TRAFFIC	27	
CITY ORDINANCE	105	
PARKING	6	
Total Before Judge		138

Total Completed 354

Other Completed...

DISMISSED BY COMPLAINANT

TRAFFIC	2	
CITY ORDINANCE	2	
PARKING	7	
Total		11

DISMISSED AFTER DEFERRED

TRAFFIC	15	
CITY ORDINANCE	36	
PARKING	0	
Total		51

DISMISSED BY JUDGE

TRAFFIC	1	
CITY ORDINANCE	0	
PARKING	0	
Total		1

DISMISSED BY PROSECUTOR

TRAFFIC	0	
CITY ORDINANCE	1	
PARKING	0	
Total		1

VOIDED DOCKET



MUNICIPAL COURT REPORT - FILED CASES

FRUITA MUNICIPAL COURT  
 Report For January 1, 2015 Thru December 31, 2015

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TRAFFIC	1	
CITY ORDINANCE	0	
PARKING	0	
Total		1
Total Other Completed		65
Grand Total Completed		419
Net Difference Filed/Complete		3

Warrants...

Issued...

TRAFFIC	2	
CITY ORDINANCE	20	
PARKING	0	
Total Violations		22
Total Warrants Issued		22

Cleared...

TRAFFIC	0	
CITY ORDINANCE	24	
PARKING	0	
Total Violations		24
Total Warrants Cleared		24
Change in Total Warrants		2-

Other Paid Cases...

Paid Fine...

Total Other Paid Fines	20
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FINE FINE	\$26,124.97
REST RESTITUTION	\$4,493.51
CCOST COURT COSTS	\$5,173.23
SUPFEE SUPERVISION FEE	\$3,904.40
CSFEE COMMUNITY SERVICE FEE	\$539.63
OJW OJW	\$460.00
DFLT DFLT JUDGMENT	\$790.00
WF WARRANT FEE	\$499.88
JTFEE JURY TRIAL FEE	\$25.00
CSBO COMMUNITY SERVICE BUYOUT	\$955.00
MISFEE MISDEMEANOR FEE	\$2,260.00
Total Fees/Fines Paid	\$45,225.62

2015

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040	LEAVING WRECKED OR DISMANTLED VEHICLES ON	1	100	%	0	0	0	0	0	0
116	MINOR DRIVER OPERATED VEHICLE WITH UNAUT	1	100	%	0	0	0	0	0	0
202	DEFECTIVE EQUIPMENT	2	100	%	0	0	0	0	0	0
206	NO LICENSE PLATE LIGHT	1	100	%	0	0	0	0	0	0
237	SAFETY BELT REQUIRED	2	100	%	0	0	0	0	0	0
603	OBEDIENCE TO OFFICIAL TRAFFIC CONTROL	2	100	%	0	0	0	0	0	0
604	FAILED TO STOP AT RED LIGHT	1	100	%	0	0	0	0	0	0
608	FAILED TO USE TURN SIGNALS	2	100	%	0	0	0	0	0	0
702	FAIL TO YEILD ROW ON LEFT TURN	3	100	%	0	0	0	0	0	0
703	FAIL TO STOP AT STOP SIGN	73	100	%	0	0	0	0	0	0
704	FAILED TO YIELD RIGHT OF WHEN ENTER HWY	1	100	%	0	0	0	0	0	0
710	DROVE VEHICLE UPON SIDEWALK	1	100	%	0	0	0	0	0	0
902	MADE U-TURN WHERE PROHIBITED	2	100	%	0	0	0	0	0	0
1006	DROVE VEHICLE WRONG WAY AROUND ROTARY IS	1	100	%	0	0	0	0	0	0
1007	DRIVING ON ROADWAYS LANED FOR TRAFFIC	4	100	%	0	0	0	0	0	0
1008	FOLLOWING TO CLOSELY	4	100	%	0	0	0	0	0	0
1204	PARKING PROHIBITED BY SIGN	25	100	%	0	0	0	0	0	0
1208	HANDICAPPED PARKING ONLY	1	100	%	0	0	0	0	0	0
1212	PARKING IN ALLEY PROHIBITED	1	100	%	0	0	0	0	0	0
1402	CARELESS DRIVING	14	100	%	0	0	0	0	0	0
1409	FAILED TO PROVIDE PROOF OF INSURANCE	1	100	%	0	0	0	0	0	0
11013	SPEED TO FAST FOR CONDITIONS	1	100	%	0	0	0	0	0	0
1204D	PARKING W/IN 30FT OF STOP SIGN	1	100	%	0	0	0	0	0	0
12051	PARKED ON WRONG SIDE OF ROADWAY	21	100	%	0	0	0	0	0	0
1205A	PARKED BEYOND 12 INCHES FROM CURB	4	100	%	0	0	0	0	0	0
703-4	FAILURE TO YIELD AT YIELD INTERSECTION	1	100	%	0	0	0	0	0	0
80-55	PARKING	3	100	%	0	0	0	0	0	0
100410	DISOBEYING HIGHWAY CLOSURE SIGN	1	100	%	0	0	0	0	0	0
1101-1	SPEED 1 TO 4 MPH OVER SPEED LIMIT	7	100	%	0	0	0	0	0	0
1101-2	SPEEDING 5 TO 9 OVER POSTED LIMIT	29	100	%	0	0	0	0	0	0
1101-3	10 TO 19 OVER SPEEDING	10	100	%	0	0	0	0	0	0
1101-4	SPEEDING 20 TO 24 OVER POSTED LIMIT	4	100	%	0	0	0	0	0	0
12041A	PARKING ON SIDEWALK	15	100	%	0	0	0	0	0	0
12041K	PARKING WHERE PROHIBITED BY SIGN	1	100	%	0	0	0	0	0	0
12042A	PARKING W/IN 5FT OF DRIVEWAY	12	100	%	0	0	0	0	0	0
12042B	PARKING W/IN 15FT OF FIRE HYDRANT	4	100	%	0	0	0	0	0	0
12042C	PARKING W/IN 20FT OF CROSSWALK/INTERSECTN	1	100	%	0	0	0	0	0	0
608010	ANIMAL AT LARGE	33	100	%	0	0	0	0	0	0
60810B	ANIMAL AT LARGE - SECOND OFFENSE	5	100	%	0	0	0	0	0	0
609010	DISTURBING THE PEACE - ANIMAL	2	100	%	0	0	0	0	0	0
611010	DANGEROUS ANIMAL	5	100	%	0	0	0	0	0	0
611020	FAILURE TO CONTROL ANIMAL	4	100	%	0	0	0	0	0	0
616010	VACCINATION REQUIRED	1	100	%	0	0	0	0	0	0
804020	FAILED TO CUT WEEDS ON PROPERTY AS REQUI	1	100	%	0	0	0	0	0	0
901002	ASSAULT	7	100	%	0	0	0	0	0	0
901004	CURFEW VIOLATION	6	100	%	0	0	0	0	0	0
901007	CRIMINAL MISCHIEF	4	100	%	0	0	0	0	0	0
901008	DISORDERLY HOUSE	2	100	%	0	0	0	0	0	0
901009	DISTURBING THE PEACE	1	100	%	0	0	0	0	0	0
901010	DISORDERLY CONDUCT	12	100	%	0	0	0	0	0	0
901018	INTERFERING WITH OFFICER	1	100	%	0	0	0	0	0	0
901024	THEFT < \$100	20	100	%	0	0	0	0	0	0
901025	CRIMINAL TAMPERING	2	100	%	0	0	0	0	0	0
901027	TRESPASSING	9	100	%	0	0	0	0	0	0
901030	INTERFERING WITH STAFF AT AN EDUCATION F	2	100	%	0	0	0	0	0	0



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901039 THEFT BY RECIEVING	3	100 %	0	0	0	0	0	0
901040 HARASSMENT	6	100 %	0	0	0	0	0	0
902001 UNNECESSARY NOISE	1	100 %	0	0	0	0	0	0
908010 DRINKING OF ALCOHOLIC BEVERAGE PROHIBITE	7	100 %	0	0	0	0	0	0
908030 ILLEGAL POSSESSION OR CONSUMPTION OF ETH	12	100 %	0	0	0	0	0	0
908050 ILLEGAL POSSESSION/COMSUMPTION OF MARIJU	15	100 %	0	0	0	0	0	0
908060 POSSESSION OF DRUG PARAPHENALIA	1	100 %	0	0	0	0	0	0
908075 CULTIVATION OF MARIJUANA	1	100 %	0	0	0	0	0	0
908100 POSSESSION OF DRUG PARAPHENALIA	3	100 %	0	0	0	0	0	0
910020 POSSESSION/USE OF TOBACCO BY A MINOR	1	100 %	0	0	0	0	0	0
** Report Total:	**	425	100 %	0	0	0	0	0



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## AGENDA ITEM COVER SHEET

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**TO: FRUITA CITY COUNCIL AND MAYOR**  
**FROM: JUDY MACY, CHIEF OF POLICE**  
**DATE: JANUARY 26, 2016**  
**RE: DOG AT LARGE - DEFINITION**

### **BACKGROUND**

Upon review of all animal ordinances with PST Benham, we realized there are three different definitions for the term “*Dog At Large*”.

1. In Definitions, Chapter 6.04 - At Large D. reads “To be off the premises of the owner and **not under direct physical control of the owner by means of a leash or other mechanism of control.** This definition does not include any dog while actually working livestock, locating and retrieve wild game, assisting law enforcement, participating in an obedience show or class, or while being trained for any of these pursuits. Dogs tethered to a stationary object within range of a public street, sidewalk, or right of way shall be deemed to be at large if the dog’s owner is not immediately present.”
2. In Dogs at Large, Chapter 6.08 – Dogs at Large B. reads “ No dog owner or any person who harbors, keeps or is custodian of a dog shall fail to prevent the dog from being or running at large, as defined in Chapter 6.04 of this Ordinance. Any dog off its owner’s premises **shall be under leash control by its owner.**”
3. In Parks and Public Grounds, Chapter 9.03.005 – Other Regulations A. reads “Animals – It is unlawful to bring any dangerous animals into any park, and it is unlawful to permit any dog to be in any park unless such dog **is on a leash not more than six feet long.** Hoofed animals may be allowed pursuant to a parade/assembly/block party application.”

See attached copies of Municipal Code – 3 pages.

I would like City Council to review all definitions, provide input, and go forward with amending the ordinances to reflect one (consistent) definition. Once a definition is decided, revised ordinance(s) reflecting the correct definition will be placed on the City Council agenda.

**Chapter 6.08****DOGS AT LARGE****Sections:****6.08.010 Dogs At Large****6.08.020 Penalties****6.08.010 DOGS AT LARGE.**

- A. **Confinement Required.** No dog owner, or any person who harbors, keeps or is a custodian of a dog, shall fail to physically, mechanically or electronically confine the dog. Such physical confinement shall ensure that the dog cannot leave the premises or be at large.
- B. **Dogs At Large.** No dog owner, or any person who harbors, keeps or is custodian of a dog shall fail to prevent the dog from being or running at large, as defined in Chapter 6.04 of this Ordinance. Any dog off its owner's premises shall be under leash control by its owner.
- C. **Dogs in Common and Public Areas.** No dog owner, or any person who harbors a dog, shall fail to prevent his or her dog from running at large in the yard of any multiple occupancy building which is occupied by other persons; or in the common areas of mobile home complexes, apartments, or condominium developments; or on public school property, or in open space areas of subdivisions; or in public or county parks or fairgrounds, unless permission is posted by county or public authorities allowing dogs at large.
- D. **Confinement During Estrus.** Any unspayed female dog in the state of estrus (heat) shall be confined during estrus in a house, building or secured enclosure constructed so that no other dog may gain access to the confined animal. Owners who do not comply with this subsection may be ordered by an Officer to remove the dog to a boarding kennel, veterinary hospital or the Animal Services Center, or be served with a summons. All expenses incurred as a result of such confinement shall be paid by the owner. Failure to comply with the removal order of an Officer shall be a violation of this Ordinance, and any unspayed female dog in estrus may be summarily impounded in the event of noncompliance with such removal order.
- E. **Evidence of Running at Large.** It shall be prima facie evidence that a dog is running at large if the dog is out of its owner's sight, or if the dog goes upon public or private property without the property owner's, manager's or tenant's consent.



**Chapter 6.04****DEFINITIONS****Section:****6.04.010 Designated**

**6.04.010 DESIGNATED.** As used in this title, the following words or phrases shall have the following meanings, respectively:

- A. **Abandon** – The leaving of an animal without adequate provisions for the animal's proper care by its owner, the person(s) responsible for the animal's care or custody, or any other person having possession of such animal.
- B. **Animal** – Any living vertebrate creature, domestic or wild, including dogs and cats but excluding stray animals as defined in C.R.S. 35-44-101, as amended.
- C. **Animal Services Center** – The authorized facility or facilities designated by the City of Fruita, for the purposes of impounding, sheltering or disposing of animals held under the authority of this Ordinance or State law.
- D. **At Large** – To be off the premises of the owner and not under direct physical control of the owner by means of a leash or other mechanism of control. This definition does not include any dog while actually working livestock, locating or retrieving wild game in season for a licensed hunter, assisting law enforcement officers, participating in an obedience dog show or an obedience class, or while being trained for any of these pursuits. Dogs tethered to a stationary object within range of a public street, sidewalk, or right-of-way shall be deemed to be at large if the dog's owner is not immediately present.
- E. **Attack** – Aggressive behavior such as in biting, injuring or chasing a person or animal that may result in bodily injury, serious bodily injury, or the death of a person and/or animal.
- F. **Bodily Injury** – Any physical pain, illness, impairment of physical or mental condition, or physical injury wherein the skin is broken, exterior bleeding occurs, bruising occurs, or bone, tissue or muscle damage is suffered, or emergency medical or veterinarian treatment becomes reasonably necessary for a person or animal.
- G. **Cat** – Any member of the animal species felis domesticus.
- H. **City** – The City of Fruita, Colorado.

- D. Violate any rule for the use of the park, made or approved by the City Council.
- E. Prevent any person from using any park, or any of its facilities, or interfere with such use in compliance with this chapter and the rules applicable to such use;
- F. Swim, bathe, or wade in any waters or waterway in or adjacent to any park, except in such waters and at such places as are provided therefor, and in compliance with such regulations as are set forth in this chapter or may be hereafter adopted.
- G. Serve or consume beverages from glass containers.
- H. Any person who knowingly violates subsection (A) - (F) of this Section commits a Class A Municipal Offense. Any person who violates subsections (G) of this Section commits a Non-criminal Municipal Offense.

(Ord. 2010-09, S3)

**9.03.003 HOURS OF OPERATION.** City parks, exclusive of the swimming pool, shall be opened daily to the public during the hours of six a.m. to eleven p.m. of any one day; and it shall be unlawful for any person, or persons, other than city personal conducting city business therein, to occupy or be present in said park during any hours in which the park is not open to the public by the City Manager or Police Chief in the City Managers absence, at any time and for any interval of time, either temporarily or at regular or stated intervals. Hours for public swimming shall be as established by resolution of the City Council, except that the swimming pool manager may close the swimming pool during inclement weather, where unsanitary water conditions exist, or for any special event. Any person who violates any of the provisions of this Section commits a Class A Municipal Offense. (Ord. 2010-09, S3)

**9.03.004 REQUIRED PERMIT - GROUP ACTIVITY.** Whenever any group, association or organization desires to use said park facilities for a particular purpose, including, but not limited to parties or theatrical or entertainment performances, a representative of said group, association or organization shall first obtain a permit from the City Manager for such purposes. The City Council may adopt an application form to be used by the City Manager for such situations. The City Manager shall grant the application if it appears that the group association or organization meets all other conditions contained in the application. The application may contain a requirement for an indemnity bond to protect the city from any liability of any kind or character and to protect city property from damage, and shall contain such a provision if the swimming pool is to be utilized by said group. Any person who violates any of the provisions of this Section commits a Non-criminal Municipal Offense. (Ord. 2010-09, S3)

**9.03.005 OTHER REGULATIONS.**

- A. Animals. It is unlawful to bring any dangerous animals into any park, and it is unlawful to permit any dog to be in any park unless such dog is on a leash not more than six feet long. Hoofed animals may be allowed pursuant to a parade/assembly/block party application.



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<b>AGENDA ITEM COVER SHEET</b>
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**TO:** Fruita City Council and Mayor

**FROM:** Community Development Department

**DATE:** January 26, 2016

**RE:** Amendments to Chapter #7, Zoning - Uses and General Requirements, of the Fruita Land Use Code (Application #2016- 01)

**BACKGROUND**

City staff has been working on amendments to Chapter 7 of the Land Use Code to clarify requirements and resolve issues that have been identified as potential problems. This is the chapter of the code that sets out what land uses are permitted in which zones, minimum lot sizes, building setback requirements, and other zoning and general land use requirements. Attached is proposed language for amendments to Chapter 7. The following is a brief overview of some of the more significant changes proposed.

The first significant change proposed is to eliminate the Tourist Commercial (TC) zone by combining it with the General Commercial (GC) zone. Of the 159 separate land use types listed in Table 17.07.060 (F), there are only 17 differences between these two zones, and many of the differences involve whether or not a Conditional Use Permit is required for a particular use. The only differences in lot sizes, setbacks and other design standards is the rear yard setback for an accessory building is 10 feet in the TC zone and only 5 feet in the GC zone. Attached is a summary of the differences between these two zones. The differences are so slight that having two separate zones does not appear to provide any advantages, but instead adds unnecessarily to complexity of the Code. Staff recommends that anything zoned TC be rezoned to GC. Staff has not yet been able to identify any non-conforming situations that would result from changing the zoning as proposed.

The River Corridor (RC) zone also is recommended to be eliminated. This zone has been in the city's Land Use Code for almost 20 years, but there is only one property zoned RC. This RC property is directly west of the old sewer lagoons, is owned by Mesa County, and will be used for part of the city's trail system (connecting the Little Salt Wash Trail to



the future extension of the Colorado Riverfront Trail). This zone was established in 2010 when the property was purchased by the public specifically for trails. The RC zone is very similar to the Community Services & Recreational (CSR) zone and the RC zone could be replaced with the CSR zone without causing any problems. With the exception of the existing RC zoned property, all other property in the Fruita city limits that is publically owned is zoned CSR.

Another recommended amendment regards the *name* of Fruita's only industrial zone - the Limited Industrial and Research and Development (LIRD) zone. This is Fruita's only industrial zone and all industrial uses are permitted in this zone provided all other city requirements are met. Staff understands that Fruita would most likely not be in favor of an industrial use that causes problems with odor, noise, dust, and other nuisance or environmental problems which is what the name of the LIRD zone may be trying to convey; however, all industrial uses are listed as potentially permitted uses in the Land Use/Zoning Table (Section 17.07.060.F). Over the years staff has encountered people who believe that Fruita allows no heavy or moderate intensity industrial land uses; they expect Fruita to be in favor of industrial development in a very limited fashion with a focus on research and development type of industrial land uses as the LIRD name implies. Staff recommends changing the name (just the name) from LIRD to Industrial (I) to avoid misleading potential industrial developers in Fruita. The Code's regulations of industrial land uses, including the need for a Conditional Use Permit for the most potentially troubling land uses, gives the City Council the ability to limit or deny a proposed land use if it is determined to be incompatible and create problems with odor, noise, dust, or other potential problems.

It appears that there are many changes to the Land Use/Zoning Table of Section 17.07.060 (F) but the main effort here is to shift the order of the table to make it more closely match Chapter 4, Land Use Categories, of the Code. Chapter 4 explains in detail different land use categories (e.g., residential, commercial, industrial) and the functional, product, or physical characteristics of different uses to help classify all existing and proposed land uses. There are notes in the table that help explain how/where/why the different line items are shifted. This table reflects the proposed removal of the TC and RC zones. Staff is aware of formatting errors in the table and is working to correct them.

The only significant change to the table is to remove industrial uses from the Downtown Mixed Use (DMU) zone. When the Fruita Land Use Code was updated in 2009, staff recommended allowing industrial land uses, with all inside storage and all inside operations, to be permitted in the DMU zone with a Conditional Use Permit. Part of the reason to allow for very low impact industrial uses to provide more options for the buildings along Grand Avenue that were constructed when the area was zoned industrial and commercial. However, this area is directly adjacent to single family residential neighborhoods (zoned Community Residential) and staff has been hearing more complaints about industrial operations and storage taking place outside of buildings with negative impacts to the adjacent neighborhood. Staff has come to the conclusion that allowing industrial uses in the DMU zone creates more problems than it solves. This problem could spread throughout the DMU zoned properties and cause larger problems

that affect more residential neighborhoods. The industrial zoning may also be hindering the development of Fruita's industrially zoned land in the Fruita Greenway Business Park area. Staff recommends amending the table to prohibit industrial land uses altogether in the downtown zone.

The changes made to the Density and Dimensional Standards Table (Section 17.07.060.I) reflect the removal of the TC and RC zones, remove redundancies, increase lot coverage area in the Community Residential (CR) zone from 45% to 50%, and identify the opportunity for a zero front building setback in the DMU, CMU and GC zones as encourages/required by the Design Standards of Chapter 11 of the Code.

An addition to the Home Occupation requirements of Section 17.07.070.B is to identify specific business that are not permitted as home occupations due to strong potentials for creating nuisances. These businesses include sexually oriented businesses, car/truck/heavy equipment repair, and personal services that create biohazard wastes as a typical part of the services provided such as medical and dental services, or body piercing and tattooing personal services.

It should be noted that Section 17.07.070. G.1 provides for no height limits for light poles, flag poles, windmills, and other structures not designed for human occupancy. There should be some height limits and staff recommends limiting these structures to the maximum height permitted in the zone. As always, a variance is an option for anyone wanting taller structures.

Section 17.07.070. K identifies where recreational vehicles, building materials, and similar items can be stored on residential property. Although it appears that this regulation has been active for *at least* 15 years, it has not been consistently enforced. RVs and other vehicles are routinely stored on driveways and side yards throughout the city in violation of this section. Staff has found it difficult to enforce these requirements due to the sheer number of violations and the difficulty in determining when some of the storage may be legal non-conforming (a.k.a., grandfathered). Some properties do not have the land area needed to comply with these storage requirements. Staff recommends a smaller setback requirement from the streets and eliminating requirements for storage in side yards to help resolve this issue.

With the adoption of the updated Land Use Code in 2009, regulations for Temporary Uses were added to provide some direction for allowing temporary uses. Examples of temporary uses include (but are not limited to) garage sales, the snow cone sales business on the downtown circle, and carnivals. The changes proposed for this section are intended to reflect how the process has been working for the past several years. Uses that take place on public property such as the Fruita Fall Festival and concerts in Civic Center Park are considered Special Events and are permitted through Fruita's Parks and Recreation Department. Other permitted uses on public property are covered by Sidewalk Restaurant Permits and Temporary Encroachment Agreements.



Since the adoption of the current Code in 2009, staff has received many complaints about the regulations regarding new outdoor lighting (Section 17.07.070. V). The lighting standards do not address use of LED lights and requires that only sodium vapor fixtures be used in new non-residential development. The new regulations proposed allow any type of lamp fixture as long as the overall lumen count does not exceed certain maximums as identified in the table provided in this section. Staff believes that these changes to new outdoor lights will provide more flexibility to the public while continuing to protect the public health, safety and welfare.

For Section 17.07.090 regarding legal non-conforming uses, structures, buildings, and lots, staff has tried to clarify requirements. Also, staff has added section I (at the end) which removes the non-conforming status from developments that are non-conforming solely due to the lack of a Conditional Use Permit. Staff understands that it is difficult to get financing for development when the entire use is considered non-conforming (and not just a fence or a setback issue). Staff also believes that run down mobile/manufactured houses in the city would be replaced with better buildings if the requirements for obtaining a Conditional Use Permit were removed.

These amendments will be scheduled for the March 8, 2016, Planning Commission public hearing.

**DIFFERENCES BETWEEN TC AND GC ZONING**

<b><u>Land Use</u></b>	<b><u>TC</u></b>	<b><u>GC</u></b>
Rooming /Boarding House:	C	x
Jails and Corrections Facility:	x	C
Adult Business:	x	C
Delivery and Dispatch	C	A
Feed Store	C	A
Manufactured Bldg Sales:	C	A
Mini Warehouse:	C	A
Outside Storage	C	A
Industrial Indoor		
Assembly/Food/Manufac:	C	A
Industrial Indoor/Outdoor		
Assembly/Manufac:	x	C
Industrial Outdoor	x	C
Heavy Equip. Storage	x	C
Warehouse/Freight		
Indoor/Outdoor	C	A
Gas Sand Gravel	x	C
Waste Related Uses	X	C
Wholesale business	C	A
Sand/Gravel Mining	X	A

A = Allowed  
 C = Conditional Use  
 X = not allowed

The only difference between the density and dimensional standards between these two zones is that the GC zone allows a 5' accessory building setback while the TC zone requires a 10' accessory building setback.

Additions are shown in red letters. Deletions are shown in red-strikeout.  
Comments/questions are shown in [red brackets].

**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:

[The dwelling units per acre information removed here is already in the Density and Dimensional Standards table later in this Chapter. The information here was redundant and somewhat in conflict with the table. Changes to the descriptions below were done to be more accurate and to better match the descriptions in the Fruita Community Plan.]

- 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 compatible with rural areas ~~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 ~~detached~~ 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 allow a variety of low to moderate density residential areas compatible with existing low density development, the Colorado National Monument and the Colorado River ~~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~~ purpose of the CMU 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.~~

[The Tourist Commercial (TC) zone and the General Commercial (GC) zone are very similar. Out of the 159 separate land use types listed in Section 17.07.060.B (Land Use Zoning Table, below), there are only 17 differences between the TC and GC zones. Attached is a summary of

these differences. In the Density and Dimensional Standards Table (Section 17.07.060.F, below) the only difference between these two zones is the requirement for a 10-foot rear and side yard setback for accessory buildings in the GC zone instead of a 5-foot setback in the TC zone. Both zones are equally subject to the design standards of Chapter 11 of the Land Use Code.

Staff recommends that the TC zones be removed and all property currently zoned TC be changed to GC. Staff has researched how many non-conforming land uses and structures may result from this change and cannot find any. The TC zone is concentrated on the south side of I-70. The GC zone is spread out along Highway 6 & 50 and also north of the high school.]

- 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.

[The LIRD zone is the City's only industrial zone which allows all types of industrial land uses including heavy industrial land uses (of course with limits on smelly, smoky, dusty, dirty, etc. uses, the same as most other cities). The name of this zone seems to imply that many industrial land uses are not going to be easy to establish in Fruita. Limited industrial is permitted as per the name of the zone, research is permitted as per the name, and development is permitted, but not "regular industrial" as one person put it. It would be more accurate to name Fruita's only industrial zone "Industrial".]

- KL. ~~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.

[The River Corridor (RC) zone has been in the City's Land Use Code for about 20 years with the only parcel of land currently zoned RC being Mesa County owned property located directly west of the old sewer lagoons (zoned RC in 2011). This zone is similar to and seemingly redundant with the CSR zone (see below). Staff recommends that the RC zone be deleted and the City's property zoned RC be rezoned to CSR. All other publically owned property in Fruita is zoned CSR.]

- 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.~~

**NL.** 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.

**OM.** 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 [insert the effective date of the Ordinance that approves these amendments] 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.~~

OLD ZONE

NEW ZONE

TC (Tourist Commercial)

GC (General Commercial)

RC (River Corridor)

CSR (Community Services & Recreational

~~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

~~RC River Corridor~~

RR Rural Residential

CR Community Residential

LLR Large Lot Residential

RE Rural Estate

SFR South Fruita Residential

DMU Downtown Mixed Use

MP Monument Preservation

~~TC Tourist Commercial~~

GC General Commercial

~~LIRD Limited Industrial & Research & Development~~

CSR Community Services and Recreation

CMU Community Mixed Use

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

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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>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	*	*	*	E	*
Mobile Home (See Chapter 23)	*	C	C	C	C	C	C	C	*	*	*	E	*
Accessory Dwelling Unit (See Section 17.07.070.C)	A	A	A	A	A	A	A	A	*	*	*	E	*
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 17.07.070 (X)(1)												
Child 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	*	E	*
Large Group Homes	*	*	*	C	C	*	C	*	E	C	*	*	*
<b>INSTITUTIONAL &amp; CIVIC</b>													
<b>College &amp; Vocational Schools [This Section was moved from the commercial category.]</b>													
Colleges and Universities [MOVED THIS TO THE COMMERCIAL CATEGORY]	*	*	*	E	E	E	E	*	E	E	E	*	E

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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>INSTITUTIONAL &amp; CIVIC (continued)</b>													
<b>College &amp; Vocational Schools (continued)</b>													
Vocational, Technical & Trade [MOVED TO THE COMMERCIAL CATEGORY]	*	*	*	€	€	€	A	*	A	A	A	*	€
All Other Education Institutions [MOVED TO THE COMMERCIAL CATEGORY]	*	*	*	€	€	€	A	*	A	A	A	*	€
<b>Community Service &amp; Government Offices</b>													
Public Building Uses	C	C	C	C	C	C	A	C	A	A	A	€	€A
Museum, Art Galleries, Opera Houses	C	C	C	C	C	C	A	C	A	A	C	€	€A
Public Safety and Emergency Response Services [MOVED FROM SAFETY SERVICES CATEGORY]	C	C	C	C	C	C	C	C	€	C	C	€	A
Other Community Services	C	C	C	C	C	C	A	C	A	A	C	€	C
<b>Daycare/Child Care</b>													
Daycare Center	C	C	C	C	C	C	A	C	A	A	*	€	*
Child Care Center	C	C	C	C	C	C	A	C	A	A	*	€	*
<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
Physical and Mental Rehabilitation (resident)	*	*	*	*	*	*	C	*	€	C	C	*	C
All Other	*	*	*	*	*	*	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
Parks, Lakes, Reservoirs, Greenways, trails	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	LIR <del>D</del>	RC	CSR
Other	C	C	C	C	C	C	C	C	E	C	C	E	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
<b>Funeral Homes/Mortuaries/Crematories [MOVED TO RETAIL SALES AND SERVICE]</b>													
Funeral Homes/Mortuaries/Crematories	*	*	*	*	*	*	E	*	E	E	E	*	*
<b>Safety Services [MOVED THIS TO COMMUNITY SERVICE AND GOV OFFICE]</b>													
Public Safety and Emergency Response Services [MOVED TO COMMUNITY SERVICE & GOVERNMENT OFFICES CATEGORY]	E	E	E	E	E	E	E	E	E	E	E	E	A
<b>Schools</b>													
Boarding Schools	C	C	C	C	C	C	C	C	E	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 [MOVED TO BELOW]	E	E	E	E	E	E	E	E	E	E	E	E	A
Utility Treatment, Production or Service Facility	*	*	*	*	*	*	C	*	E	C	C	E	C
All Other Utility, Basic [MOVED FROM ABOVE]	C	C	C	C	C	C	C	C	E	C	C	E	A
<b>Utility Corridors</b>													
Transmission Lines (above ground)	C	C	C	C	C	C	C	C	E	C	C	E	A
Transmission Lines (underground)	C	C	C	C	C	C	C	C	E	C	C	E	A
All Other	C	C	C	C	C	C	C	C	E	C	C	E	C
<b>COMMERCIAL</b>													
<b>College, Trade &amp; Vocational Schools [THIS WAS MOVED HERE FROM THE INST/CIVIC CATEGORY]</b>													
Colleges and Universities	*	*	*	C	C	C	C	*	E	C	C	*	C

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LAND USE/ZONING TABLE

	AR	RE	RR & LLR	CR	CMU <sup>1</sup>	SFR	DMU	MP	TE	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>Entertainment Event, Major</b>													
Indoor Facilities	*	*	*	*	C	*	A	C	A	A	C	E	C
Outdoor Facilities	*	*	*	*	C	*	A	C	A	A	C	E	C
<b>Lodging [THIS SECTION MOVED TO THE RECREATION &amp; ENTERTAINMENT INDOOR CATEGORY.]</b>													
Hotels and Motels, Lodges [MOVED TO THE RECREATION & INDOOR ENTERTAINMENT SECTION]	*	*	*	*	*	*	A	*	A	A	A	*	*
Bed-and-Breakfast (1-4 guest rooms) See Section 17.07.070 (A) [MOVED TO THE RECREATION & INDOOR ENTERTAINMENT SECTION]	E	E	E	E	E	E	A	E	A	A	*	E	*
Bed-and-Breakfast (4+ Guest rooms)	*	*	*	*	*	*	A	E		A	A		*
<b>COMMERCIAL (continued)</b>													
<b>Office</b>													
General Offices	*	*	*	*	A	*	A	*	A	A	A	*	*
Office with Drive-in Facilities	*	*	*	*	C	*	C	*	A	A	A	*	*
<b>Parking, Commercial</b>													
All, when not accessory to a permitted use	*	*	*	*	C	*	C	*	A	A	A	*	A
<b>Recreation &amp; Entertainment, Outdoor</b>													
Campgrounds & Recreational Vehicle Parks (See Chapter 27)	C	*	*	*	*	*	*	C	E	C	*	E	C
Resort Cabins and Lodges [same as above]	E	*	*	*	*	*	*	E	E	E	*	E	E
Swimming Pools, Community	C	C	C	C	C	C	C	C	E	C	C	E	A
Shooting Ranges, Outdoor	*	*	*	*	*	*	*	*	*	*	C	E	C
Amusement Park	*	*	*	*	*	*	*	*	E	C	*	*	C
Drive-in Theater	*	*	*	*	*	*	*	*	E	C	*	*	C
Miniature Golf	*	*	*	*	C	*	A	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
Riding Academy, Roping or Equestrian Area	C	C	C	C	C	C	*	C	€	C	*	€	C
Zoo	*	*	*	*	*	*	*	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>													
Bed and Breakfast (1-4 guest rooms) See Section 17.07.070 (A) [MOVED FROM THE LODGING SECTION]	C	C	C	C	C	C	A	C	A	A	*	€	*
Bed and Breakfast (4+ Guest rooms) [MOVED FROM THE LODGING SECTION]	*	*	*	*	*	*	A	C		A	A		*
Health Club	*	*	*	C	C	*	A	*	A	A	A	*	A
Hotels and Motels [MOVED FROM THE LODGING SECTION]	*	*	*	*	*	*	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	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) [MOVED TO RE-ALPHABETIZE RETAIL SALES & SERVICE]	*	*	*	*	*	*	*	*	*	€	€	*	*
<b>COMMERCIAL (continued)</b>													
<b>Retail Sales &amp; Service (continued)</b>													
Alcohol Sales, Retail	*	*	*	*	C	*	A	*	A	A	A	*	*
Animal Clinic/Hospital/Boarding/Sales, Indoor/Kennel (See Chapter 6.28 of the Municipal Code)	C	*	*	*	C	*	AA	C	A	A	A	*	*
Animal Clinic/Hospital/Boarding/Sales, Outdoor (See Chapter 6.28 of the Municipal Code)	C	*	*	*	*	*	C	C	€	C	C	*	*
Bar/Nightclub [MOVED TO RE-ALPHABETIZE RETAIL]	*	*	*	*	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
<b>SALES &amp; SERVICES]</b>													
Delivery and Dispatch Services (Vehicles on-site)	*	*	*	*	*	*	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/Farmer's Market	*	*	*	*	*	*	C	*	€	C	C	*	*A
Feed Store	*	*	*	*	*	*	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	*	*
Funeral Homes/Mortuaries/Crematories [MOVED FROM ANOTHER CATEGORY]	*	*	*	*	*	*	C	*	€	C	C	*	*
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	*	€	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
Sexually Oriented Businesses (See Chapter 35 of the Land Use Code and 5.40 of the Municipal Code) [MOVED TO RE-ALPHABETIZE RETAIL SALES & SERVICE]	*	*	*	*	*	*	*	*	*	C	C	*	*
Personal Services	*	*	*	*	A	*	A	*	A	A	A	*	*
Medical Marijuana Centers See Section 17.07.070(X)(3)	*	*	*	*	*	*	*	*	*	*	*	*	*
Medical Marijuana Cultivation by Patients and Primary Caregivers in Non-Residential Units See Section 17.07.070(X)(2)	*	*	*	*	*	*	*	*	C	C	C	*	*
Medical Marijuana Optional Premises Cultivation Operations See Section 17.07.070(X)(3)	*	*	*	*	*	*	*	*	*	*	*	*	*
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>													



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	AR	RE	RR&LLR	CR	CMU <sup>1</sup>	SFR	DMU	MP	IC	GC	HRD	RC	CSR
<b>Indoor Operations &amp; Storage</b>													
Industrial Service	*	*	*	*	*	*	€	*	A	A	A	*	*
Assembly	*	*	*	*	*	*	€	*	€	A	A	*	*
Food Products	*	*	*	*	*	*	€	*	€	A	A	*	*
Manufacturing/Processing	*	*	*	*	*	*	€	*	€	A	A	*	*
All Other	*	*	*	*	*	*	€	*	€	C	A	*	*
<b>Indoor Operations &amp; Outdoor Storage</b>													
Industrial Service	*	*	*	*	*	*	*	*	€	C	A	*	*
Assembly	*	*	*	*	*	*	*	*	*	C	A	*	*
Food Products	*	*	*	*	*	*	*	*	€	C	A	*	*
Manufacturing/Processing	*	*	*	*	*	*	*	*	*	C	A	*	*
All Other	*	*	*	*	*	*	*	*	€	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	A	*	*
<b>Warehouse, &amp; Freight Movement &amp; Distribution</b>													
Indoor Operations, Storage and Loading	*	*	*	*	*	*	C	*	A	A	A	*	*
Indoor Storage with Outdoor Loading Docks	*	*	*	*	*	*	C	*	€	A	A	*	*
Outside Storage or Loading	*	*	*	*	*	*	*	*	€	C	A	*	*
Gas or Petroleum Storage	*	*	*	*	*	*	*	*	*	C	C	*	*
Sand or Gravel Storage	*	*	*	*	*	*	*	*	*	C	A	*	*

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LAND USE/ZONING TABLE

	AR	RE	RR&LLR	CR	CMU'	SFR	DMU	MP	FG	GC	LIRB	RC	CSR
All Others	*	*	*	*	*	*	*	*	*	C	C	*	*
<b>Waste Related Uses [THIS WAS MOVED HERE FROM THE "OTHER" CATEGORY]</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 [THIS WAS MOVED HERE FROM THE "OTHER" CATEGORY]</b>													
Wholesale Business (No highly flammable materials/liquids)	*	*	*	*	*	*	C	*	E	A	A	*	*
Agri Business Wholesaling	C	C	C	*	*	*	C	*	E	C	C	*	*
All Other Wholesale Uses	*	*	*	*	*	*	C	*	E	C	C	*	*
<b>OTHER</b>													
<b>Waste Related Uses [MOVED THIS WHOLE SECTION TO INDUSTRIAL CATEGORY]</b>													
Non-Hazardous Waste Transfer [MOVED TO THE INDUSTRIAL CATEGORY]	*	*	*	*	*	*	*	*	*	E	E	*	*
Medical/Hazardous Waste Transfer Station [MOVED TO THE INDUSTRIAL CATEGORY]	*	*	*	*	*	*	*	*	*	E	E	*	*
Solid Waste Disposal Sites [MOVED TO THE INDUSTRIAL CATEGORY]	*	*	*	*	*	*	*	*	*	*	E	*	*
Recycling Collection Points [MOVED TO THE INDUSTRIAL CATEGORY]	*	*	*	*	*	*	*	*	*	E	E	*	E
All Other Waste Related/Recycling Center [MOVED TO THE INDUSTRIAL CATEGORY]	*	*	*	*	*	*	*	*	*	*	E	*	E
<b>Wholesale Sales [MOVED THIS WHOLE SECTION TO INDUSTRIAL CATEGORY]</b>													
Wholesale Business (No highly flammable materials/liquids) [MOVED TO THE INDUSTRIAL CATEGORY]	*	*	*	*	*	*	E	*	E	A	A	*	*
Agri Business [MOVED TO THE INDUSTRIAL CATEGORY]	E	E	E	*	*	*	E	*	E	E	E	*	*
All Other Wholesale Uses [MOVED TO THE INDUSTRIAL CATEGORY]	*	*	*	*	*	*	E	*	E	E	E	*	*
<b>Agricultural</b>													
Animals Agricultural; Confinement	C	*	*	*	*	*	*	*	*	*	C	*	C
Dairy	C	*	*	*	*	*	*	*	*	*	C	*	C
Winery	C	C	*	*	*	*	C	C	E	C	A	E	C
Confined Animal Feeding Operation, Feedlot	C	*	*	*	*	*	*	*	*	*	C	*	*



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
Forestry/Silviculture, Commercial	C	*	*	*	*	*	*	*	€	C	A	€	*
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
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
<b>OTHER (continued)</b>													
<b>Aviation or Surface Passenger (continued)</b>													
All Other Aviation or Surface Passenger Terminal	*	*	*	*	C	*	C	*	€	C	C	€	C
<b>Mining (See Chapter 31)</b>													
Oil or Gas Drilling	C	*	*	*	*	*	*	C	*	*	C	€	*
Sand or Gravel Extraction or Processing	C	*	*	*	*	*	*	C	*	C	C	€	*
All Other Mining, Extraction	*	*	*	*	*	*	*	C	*	C	C	€	*
<b>Telecommunications Facilities</b>													
Telecommunications Facilities, Towers and Support Structures	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:

1. 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 17.11 Design Standards ~~17.08 Density Bonuses, Chapter 17.09 Transferable Development Rights/Credits,~~ or Chapter 17.17 Planned Unit Developments. [The standards this refers to are not really modified by 17.08 Density Bonuses, Chapter 17.09 Transferable Development Rights/Credits (TDR). The standards already reflect density bonus and TDR stuff. The Chapter 11 design standards and the PUD zone allows a lot of flexibility and the standards of this section could be somewhat modified by these Chapters of the Code.]
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, lots, and land uses lawfully established prior to the effective date of this Code may continue pursuant to Section 17.07.090.

**Section 17.07.060 (1)**

**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>
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'	450%
Large Lot Residential (LLR)	3 DU/acre	10,000 sf	25'	10'5"	15'3"	35'/16'	40%
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%



Section 17.07.060 (1)

DENSITY AND DIMENSIONAL STANDARDS TABLE

ZONE DISTRICT	MAX RES. DENSITY (GROSS)	MIN LOT AREA	MIN FRONT/ STREET YARD	MIN SIDE YARD	MIN REAR YARD	MAX STRUCTURE HEIGHT*	MAX LOT COVERAGE ***
Downtown Mixed Use (DMU) – Outside Core	12 DU/acre	5,000 sf, except 6,000 sf corner lot; <del>7,000-sf detached single family with accessory dwelling</del> ; 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 openings; except <del>15' 0'</del> for non-residential or mixed-use buildings, 15' for buildings with alley access only, and 15' for buildings with 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 mixed use buildings and lots with parking on rear 1/2 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%
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; <del>7,000-sf detached single family with accessory dwelling</del> ; 7,500 sf duplex; 10,000 sf multi-family; 2,500 sf per each attached townhouse unit	25' for garage openings; 20' for elevations other than garage opening; <del>except 15' for mixed-use buildings</del> ; 15' for buildings with alley access, and 15' for buildings with 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 1/2 of lot and front porches on at least 30% of front elevation with a 6' minimum depth

Section 17.07.060 (1)

DENSITY AND DIMENSIONAL STANDARDS TABLE

ZONE DISTRICT	MAX RES. DENSITY (GROSS)	MIN LOT AREA	MIN FRONT/ STREET YARD	MIN SIDE YARD	MIN REAR YARD	MAX STRUCTURE HEIGHT*	MAX LOT COVERAGE ***
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	250'	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	250'	10'/5'	20'/20'	35'/25'	80%
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%



Section 17.07.060 (I)

**DENSITY AND DIMENSIONAL STANDARDS TABLE**

ZONE DISTRICT	MAX RES. DENSITY (GROSS)	MIN LOT AREA	MIN FRONT/ STREET YARD	MIN SIDE YARD	MIN REAR YARD	MAX STRUCTURE HEIGHT*	MAX LOT COVERAGE ***
Community Services Recreational (CSR)	No Specific Standards						

\* Accessory buildings can be ~~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 ~~C~~conditional ~~U~~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 any relevant subdivision's~~ declarations, covenants, conditions or restrictions ~~on the property~~ 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.
- e. The following uses are specifically excluded as permitted home occupations: sexually oriented businesses; car, truck or heavy equipment repair; medical,

dental, tattoo, body piercing, or other similar personal service that creates biohazard wastes as a typical part of the service provided.

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.
- A. **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), Large Lot Residential (LLR), and Rural Residential (RR) zoning districts, ~~and on lots at least 7,000 square feet in size in the Downtown Mixed Use (DMU) and Community Mixed Use (CMU) zones; and containing a detached single family dwelling unit in all other residential zoning districts~~ that allow single family residential dwelling units provided the lot area is at least twenty (20) percent larger than the required minimum for the zone.

Accessory dwelling units must be located on a lot that contains a principle single family dwelling unit and cannot exceed eight hundred and fifty (850) square feet of heated floor area, or fifty (50) percent of the size of the ~~primary~~ principle single family 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.

- B. **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” (latest edition)~~ shall apply to developments in all zones, except that standards and specifications published by the Colorado Department of Transportation shall apply to all State highways in all zones.
  2. **Drainage and Storm Water Management.** The publications entitled, “Mesa County Storm Water Management Manual” (~~L~~latest ~~E~~edition), “City of Fruita Design Criteria and Construction Specifications” (~~L~~latest ~~E~~edition), and all building codes adopted pursuant to Title 15 of the Fruita Municipal Code ~~“International Building Code (IBC)” (Latest Edition), and “International Residential Building Code (IRBC)”~~ shall apply to developments in all zones.

[The following is a direct copy of Section "S" farther below. This section was moved here to group together similar categories of information.]



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.

3. 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. [This Section "T" from farther below moved here to group together similar information.]
34. Buildings and Structures. All buildings and structures in all zones shall comply with all building codes adopted pursuant to Title 15 of the Fruita Municipal Code.
45. 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.~~ [I took out this sentence because it is in the Design Standards and Construction Specifications Manual (along with many other sentences).]
56. 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 amended by the design standards of Chapter 11 of this Title, PUD zoning as per Chapter 17 of this Title, and 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. [Some height limit should be required. This section was combined with the section below to provide some height limits and to clarify requirements.]~~
12. Height limits do not apply to any: chimney; spire; bulkhead; elevator; water collection, recirculation, or storage system; geothermal heating system; solar photovoltaic equipment; wind turbine; ~~rooftop garden (green roof); belfry; cupola; windmill; antenna;~~ or any similar structure or necessary mechanical appurtenance ~~not designed for occupancy~~ extending above the roof line, provided such structure does not extend more than ten (10) feet above the highest roof line and does not exceed more than ten (10) percent of the area of the roof where it projects more than four (4) feet above the highest roof plane. Light poles, flag poles, and similar structures not attached to a building are permitted to be no taller than the maximum height in the zone in which it is located.
23. 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.
34. On properties that are used mainly for agricultural uses in the Agricultural Residential (AR) and Rural Estate (RE) zones any ~~s~~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 ~~L~~Industrial ~~R~~D zones provided that there are not more than three (3) strands or one (1) coil of ~~barbed wire atop a fence and the fence is located at least five (5) feet from the public right-of-way. is allowed and~~ The wires 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, and the fence must be located no close than ten (10) feet to the public right-of-way.

3. There shall be no fence or wall erected which exceeds six (6) feet in height ~~as measured from the natural grade (except as permitted in subsection 76 below), as measured from the natural grade, except w~~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 (subsection 5 below), fences in the required front yard setback shall not exceed thirty-six (36) inches in height; ~~however,~~ 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 front yard setback may be permitted only on the one street frontage that does not contain a driveway, and~~ provided the fence conforms to the required clear sight triangle and is not within ten (10) feet of any driveway (driveways both on and off the subject property).

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 ~~32~~ above.
7. Fences in zones which permit a zero building setback must meet design standard requirements of Chapter 11 of this Title.
8. A gated fence across a driveway must be designed so that the longest vehicle using the driveway can completely clear the traveled way of the public street when the gate is closed.
- ~~89.~~ 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).~~
- ~~910.~~ 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 ~~with a front yard~~, at least one (1) tree in the front yard is required to be planted and maintained within six (6) months of an issuance of a Certificate of Occupancy.
2. ~~Except for development subject to Level One Design Standards of Chapter 11 of this Title, n~~No less than ten (10) percent of a lot or parcel developed for multi-family or non-residential land uses must be landscaped. ~~A with~~ at least half of this landscape ~~must be~~ provided on the front half (street sides) of the development unless the front setback is permitted to be, and will be, fifteen (15) feet or less, ~~in which case the required landscaping may be located anywhere on the property provided all other requirements are met.~~ Landscaping must include at least one (1) small tree for every five hundred (500) square feet, one (1) medium tree for every one thousand (1,000) square feet, or one (1) large tree for every 1,500 square feet of landscaped area along with two (2) shrubs for every tree and appropriate groundcover. Additional landscaping, in addition to the minimum ten (10) percent, ~~is~~may be required for parking lots containing more than fifteen (15) car parking spaces and/or for buffering and screening purposes as deemed necessary to comply with compatibility requirements of Section 17.07.080.
3. ~~For large industrial land uses with significant amounts of outdoor storage and/or~~



operations, the outdoor storage/operation area(s) are not required to be used in the calculation of the minimum 10% landscaping required.

34. Landscape improvements must follow the landscaping requirements of the Appendix of the Fruita Land Use Code including quality, size, type, planting, and location considerations. Landscaping required to be installed to meet the minimum requirements of this Title (including conditions of approval on a land development application) must be maintained to continue to meet the minimum requirements of this Title.
45. The types of trees and other vegetation to be planted within public right-of-ways will be determined by the decision making body (Community Development Director or City Council) based on the requirements of the Appendix of the Land Use Code.

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~~ Trailers, airplanes, boats (or parts of any of the foregoing), recreational vehicles,

travel trailers, campers, ~~or building materials~~ and similar items may be stored on property used for residential purposes as long as the storage is at least ten (10) feet from the property lines abutting public right-of-way, excluding alleys. 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.

[Although it appears that this regulation has been active for *at least* 15 years, it has not been consistently enforced. RVs and other vehicles are routinely stored on driveways and side yards throughout the city in violation of this section. Staff has found it difficult to enforce these requirements due to the sheer number of violations and the difficulty in determining when some of the storage may be legal non-conforming (a.k.a., grandfathered). Some properties do not have the land area needed to store RVs and other such in compliance with these requirements. Staff recommends these changes (both section 1 above and sections 2 below) to these rules to help resolve this issue.]

- ~~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.~~
23. 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.~~ Such vehicles must be stored in an enclosed structure or screened from view from the public property and adjacent residential property (either zoned or used for residential purposes). This does not apply to a vehicle which is clearly abandoned, cannot be reasonably restored to a condition suitable for legal use, or otherwise is a junk vehicle, which is not permitted to be stored unless it is in an approved junkyard or other similar use where such vehicle storage is permitted.
3. There shall be no limit on the number of active or serviceable agricultural vehicles on a parcel of land used mainly for agricultural purposes, 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. ~~A land use that occurs on a specific property for more than 6 months in a calendar year is not permitted as a temporary use.~~ 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 uses must comply with the Use Permit based on the following criteria listed below. 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.~~
  - d.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.
  - ge. Ingress and egress are safe and adequate when combined with the other uses of the property.
  - hf. Temporary use sign(s) shall be permitted in compliance with the requirements of Chapter 41.

~~[This next section was removed because too many people expect to be permitted to operate a private business on public property simply by filling out a form. This is mostly covered by item a above.]~~

~~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.~~

fg. All businesses are required to have a current city business license.

h. A Temporary Use Permit 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. The Temporary Use Permit application will be required to address the following additional requirements at a minimum:

~~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 as necessary; and
- 5) Adequate on-site security measures are provided as necessary.

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 a calendar year, 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 longer periods of time~~ 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 above are met.
- b. The ~~proposed temporary~~ use is permitted as an allowed use 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 existing use of the subject property ~~(e.g., existing permit or approval)~~. If the principal use of a property is classified as a Conditional Use by the zone, and a proposed ~~such~~ temporary use is not designated as allowed outright in the zone or is not specified as a permitted



use 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, ~~over and above the impacts that might be created by other uses permitted outright in the applicable zone—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 ~~facilities 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, ~~sanitary facilities, security and other requirements~~ 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, or model house 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)b. The property to be used for a temporary sales office or construction office shall not be permanently improved for that purpose;
    - 3)c. Conditions may be imposed regarding temporary utility connections, as necessary to protect public health, safety, or welfare; and

4)d. A temporary sales office, ~~or construction office~~, or model house may not be used as a dwelling unit. A model house may be used as a dwelling unit when the development in which it is located is permitted to obtain Planning Clearances for dwelling unit construction.

e. A temporary sales office, construction office or model house cannot be established before approval to begin site work has been obtained. A temporary sales office or a model house use must be removed within one week after the sale of the last unit in the development. A temporary construction office must be removed within one week of issuance of a Certificate of Occupancy or Certificate of Completion for the construction, or acceptance of the public improvements in a subdivision.

~~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-Mesa County Air Quality Planning Committee~~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. ~~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 ~~the ground floor of~~ 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 (with the exception of alleys) 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 (surrounded by walls and a roof). Residential land uses must meet all other city ~~Land Use Code~~ requirements regarding such uses.

[Section Q below was removed because this section hasn't been enforced. This would be hard if not impossible to enforce in many areas of the Downtown Mixed Use zone. Screening and buffering these activities from view from the public right-of-way could be problematic and likely not necessary in Fruita's industrial area. Also, industrial and commercial developers/business owners typically know more about their loading/service area needs than staff. Staff reviews all site plans and if there appears to be a potential public health, safety, welfare issue, (or a compatibility issue) with loading/service for the proposed use, changes will be required (or at least recommended) to resolve the potential problem(s).]

- ~~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. [I don't think this is the proper place for an environmental suggestion with no regulations.]~~

- ~~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.~~

[THE "S" ABOVE AND THE "T" BELOW WERE MOVED TO SECTION "E" ABOVE.]

- ~~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.~~

**RU.** 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.~~ [There are a lot of things an applicant may be required to submit regarding dust, noise, or odor. This existing language implies that there may be only this one additional requirement. As part of the application and review process, staff lets applicants know of the other permits that may be required depending on the location of the development and what type of development is proposed.]

**SV.** 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 ~~on private land, 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.~~

The maximum height of pole lights shall not exceed thirty-five (35) feet in height. The maximum height of lights attached to a building shall not exceed twenty (20) feet in height. Lights required by other government agencies for safety purposes, such as Federal Aviation Administration requirements for lights on certain tall structures, are exempt from these standards.

- d. Total outdoor light output shall not exceed the limits set in the table below. Lighting District 1 refers to urban and downtown areas, and commercial and industrial activity centers. Lighting District 2 refers to residential areas, and commercial and industrial activity primarily surrounded by residential land uses. Lighting District 3 refers to rural and agricultural areas, and small commercial or industrial activities primarily surrounded by rural or agricultural areas.

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

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

**TW.** Irrigation water. Irrigation water must be provided to new developments when landscaping is required and must be used for required landscape areas where irrigation water is legally and physically available. A minimum of one 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.

**UX.** 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.
3. Medical Marijuana Businesses. The cultivation, production or possession of marijuana plants by a medical marijuana center and a medical marijuana optional premises cultivation operation is prohibited. In the event that the voter approved ban on medical marijuana businesses as set forth in Section 5.15.025 of this Code is overturned or declared unconstitutional by legislative action, future voter approval or by applicable court rulings, the City desires to keep in place legislation regarding the regulation and licensing of said medical marijuana businesses. To that end, the following provisions are applicable in the event said ban is overturned.

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



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, BUILDINGS, SIGNS, AND LOTS.** Any use, structure, ~~building, sign,~~ 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, ~~building, sign,~~ 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 ~~not contained within a building~~ 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, ~~structure, sign,~~ or a building has been discontinued for a continuous period of one (1) year, future use of the land, ~~structure, sign,~~ or building shall be in conformance with ~~all applicable city regulations—the provisions of this Title.~~
- D. A structure, ~~or building or sign~~ which does not meet the setback, height, size, or other site requirements of this Chapter may be repaired, maintained, or extended, provided any such ~~repair, maintenance, or extension~~ is in full compliance with all provisions of this Title ~~including building codes.~~
- E. A non-conforming structure, ~~or building or sign 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 ~~damage occurred~~ ~~calamity~~ may be restored in conformance with the city's building codes, provided such work is commenced within one (1) year of the ~~date of damage—calamity, and such non-conforming use can be continued.~~ If the structure, sign, or building is damaged to the extent of more than fifty (50) percent of assumed market value, the non-conforming ~~structure, building, and/or sign 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 ~~dwellingshouses.~~ Legal non-conforming single-family ~~houses-dwellings~~ may be rebuilt ~~in compliance with the current building codes.~~
- F. An individual lot which was legally created but does not meet the minimum lot area ~~or other dimensional~~ 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 and other applicable~~ 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 dwelling unit—property in the City of Fruita, replacing the mobile or manufactured home can be replaced on the same site even if single-family residential land uses are not permitted, nor does the replacement does not~~ require a Conditional Use Permit, but all other standards apply.



- H. Non-conformities ~~must~~ should be brought into compliance with all city regulations before annexation ~~or~~ and those non-conformities that are to be permitted to continue as legal non-conformities must be identified in the Ordinance annexing the property.
  
- I. A use that was legally established without a Conditional Use Permit shall not be deemed non-conforming solely because a Conditional Use Permit is now required for the use. Any expansion or other significant changes to the land use which requires the Conditional Use Permit will require approval of a new Conditional Use Permit before the expansion or other significant change.



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## AGENDA ITEM COVER SHEET

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**TO: FRUITA CITY COUNCIL AND MAYOR**  
**FROM: KENNETH HALEY, PUBLIC WORKS DIRECTOR**  
**DATE: JANUARY 26, 2016**  
**RE: GRAND VALLEY REGIONAL DRAINAGE UPDATE**

**BACKGROUND**

This agenda item will include a brief update from Staff on the 2016 stormwater fees being charged by the Grand Valley Drainage District and how it will impact the City of Fruita. This will also include information on the continued efforts of the 5-2-1 Drainage Authority to implement a valley-wide drainage fee and some of the alternatives being discussed between these two drainage entities.