

ORDINANCE 2016-04

AN ORDINANCE OF THE FRUITA CITY COUNCIL AMENDING CHAPTER 7, ZONING - USES AND GENERAL REQUIREMENTS, OF THE FRUITA LAND USE CODE

WHEREAS, there is a need to amend Fruita's regulations regarding land uses and general requirements in the different zones in the city to better promote the public health, safety and welfare, and

WHEREAS, the Fruita Planning Commission held a public hearing on March 8, 2016, regarding proposed amendments to Chapter 7 of the Fruita Land Use Code and recommended approval of the proposed amendments with some amendments, and

WHEREAS, a public hearing was held before the Fruita City Council on March 1, 2016, and April 7, 2016, regarding the proposed amendments to Chapter 7.

NOW THEREFORE, BE IT HEREBY ORDAINED BY THE CITY COUNCIL OF THE CITY OF FRUITA COLORADO AS FOLLOWS:

Section 1: Chapter 17.07 entitled Zoning – Uses and General Requirements is hereby repealed and reenacted to read as follows:

Chapter 17.07
ZONING - USES AND GENERAL REQUIREMENTS

Sections:

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

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

- A. Agricultural Residential (AR). The purpose of the AR zone is to allow low density

rural residential and agricultural uses, to preserve and enhance the rural character of the outlying areas of Fruita, and discourage inappropriate or premature urban development.

- 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.
- C. Rural Residential (RR). The purpose of the RR zone is to allow low density residential uses compatible with rural areas.
- D. Community Residential (CR). The purpose of the CR zone is to allow for moderate density detached single-family residential 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.
- 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.
- 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.
- H. Community Mixed Use (CMU). The purpose of the CMU zone is to establish walkable neighborhoods that are residential in scale and character, integrating a variety of housing, open spaces, and community services.
- 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.
- J. 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.
- K. Industrial (I). The purpose of the I 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.

- L. 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.

- M. 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 May 5, 2016, are converted as follows:

<u>OLD ZONE</u>	<u>NEW ZONE</u>
TC (Tourist Commercial)	GC (General Commercial)
RC (River Corridor)	CSR (Community Services & Recreational)

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 abutting zone, even when such zone is separated from the land in question by a public right-of-way.

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

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

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

- A. Administrative Approvals. Administrative approvals include: Planning Clearances

including Planning Clearances for a change in use to a use that is designated as allowed outright under Section 17.07.060; home occupations; Minor Subdivisions; Site Design Review (with no Adjustment) ; Temporary Use Permits; Sign Permits, and; final plats (not including subdivision improvements agreements).

- B. Public Hearing required for some Planning Clearances. Where the proposed use is designated a Conditional Use, or a use requiring Site Design Review with Adjustment, or is not itemized in the Use/Zone Matrix under Section 17.07.060 and is not deemed by the Community Development Director to be similar to an allowed use, the Director shall refer the land use request to public hearings, pursuant to Section 17.05.070.
- C. Schedule of Allowed Uses. The Land Use/Zone Table in subsection F below indicates Allowed Uses and Conditional Uses. Definitions and examples of those uses are contained in Chapters 17.03 and 17.04. Tables specifying allowable development densities and the requirements for minimum lot area, minimum setbacks, maximum building height and maximum lot coverage in each of the zones is subsection I below.
- D. Key to Allowed Uses. Uses may be allowed outright, allowed conditionally, or allowed subject to special use standards, as follows:

* - Means not allowed

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

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

E. Key to Zones:

AR	Agricultural Residential	DMU	Downtown Mixed Use
MP	Monument Preservation	RR	Rural Residential
CR	Community Residential	GC	General Commercial
LLR	Large Lot Residential	I	Industrial
RE	Rural Estate	CSR	Community Services and Recreation
SFR	South Fruita Residential	CMU	Community Mixed Use

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

Section 17.07.060 (F)

LAND USE/ZONING TABLE

	AR	RE	RR& LLR	CR	CMU ¹	SFR	DMU	MP	GC	I	CSR
RESIDENTIAL											
Household Living											
Business Residence	*	*	*	*	A	*	A	*	A	A	*
Dwelling, Single-Family Attached	C	C	A	A ²	A	A	A	*	*	*	*
Dwelling, Single-Family Detached	A	A	A	A	A	A	A	A	*	*	*
Duplex	*	*	*	A ²	A	*	A	*	*	*	*
Dwelling, Multi-Family	*	*	*	A ²	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	*	*	*
Mobile Home (See Chapter 23)	*	C	C	C	C	C	C	C	*	*	*
Accessory Dwelling Unit (See Section 17.07.070.C)	A	A	A	A	A	A	A	A	*	*	*
Dwelling, Caretaker	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	*
Group Living											
Small Group Homes	C	C	C	A	A	A	A	C	A	*	*
Large Group Homes	*	*	*	C	C	*	C	*	C	*	*
INSTITUTIONAL & CIVIC											
Community Service & Government Offices											
Public Building Uses	C	C	C	C	C	C	A	C	A	A	A
Museum, Art Galleries, Opera Houses	C	C	C	C	C	C	A	C	A	C	A
Public Safety and Emergency Response Services	C	C	C	C	C	C	C	C	C	C	A
Other Community Services	C	C	C	C	C	C	A	C	A	C	C
Daycare/Child Care											
Daycare Center	C	C	C	C	C	C	A	C	A	*	*
Child Care Center	C	C	C	C	C	C	A	C	A	*	*
Detention Facilities											
Jails, Honor Camps, Reformatories, Detention Center	*	*	*	*	*	*	*	*	C	C	C
Community Corrections Facility	*	*	*	*	*	*	*	*	C	C	C

Section 17.07.060 (F)

LAND USE/ZONING TABLE

	AR	RE	RR& LLR	CR	CMU ¹	SFR	DMU	MP	GC	I	CSR
INSTITUTIONAL & CIVIC											
Medical Centers											
Medical and Dental Clinics	*	*	*	*	C	*	A	*	A	A	C
Counseling Centers (nonresidential)	*	*	*	*	*	*	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	*
Parks & Open Space Areas											
Cemetery	A	A	A	A	C	A	A	A	A	A	A
Golf Course or Golf Driving Range	C	C	C	C	C	C	*	C	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
Other	C	C	C	C	C	C	C	C	C	C	A
Religious Institutions/Places of Worship											
All	A	A	A	A	A	A	A	A	A	A	A
Schools											
Boarding Schools	C	C	C	C	C	C	C	C	C	*	C
Elementary Schools	A	A	A	A	A	A	A	A	A	*	A
Secondary Schools	A	A	A	A	A	A	A	A	A	*	A
Utility, Basic											
Utility Service Facilities, (Underground)	A	A	A	A	A	A	A	A	A	A	A
Utility Treatment, Production or Service Facility	*	*	*	*	*	*	C	*	C	C	C
All Other Utility, Basic	C	C	C	C	C	C	C	C	C	C	A
Utility Corridors											
Transmission Lines (above ground)	C	C	C	C	C	C	C	C	C	C	A
Transmission Lines (underground)	C	C	C	C	C	C	C	C	C	C	A
All Other	C	C	C	C	C	C	C	C	C	C	C
COMMERCIAL											
College, Trade & Vocational Schools											
Colleges and Universities	*	*	*	C	C	C	C	*	C	C	C
Vocational, Technical & Trade	*	*	*	C	C	C	A	*	A	A	C
All Other Education Institutions	*	*	*	C	C	C	A	*	A	A	C
Entertainment Event, Major											
Indoor Facilities	*	*	*	*	C	*	A	C	A	C	C
Outdoor Facilities	*	*	*	*	C	*	A	C	A	C	C

Section 17.07.060 (F)

LAND USE/ZONING TABLE

	AR	RE	RR& LLR	CR	CMU ¹	SFR	DMU	MP	GC	I	CSR
COMMERCIAL											
Office											
General Offices	*	*	*	*	A	*	A	*	A	A	*
Office with Drive-in Facilities	*	*	*	*	C	*	C	*	A	A	*
Parking, Commercial											
All, when not accessory to a permitted use	*	*	*	*	C	*	C	*	A	A	A
Recreation & Entertainment, Outdoor											
Campgrounds & Recreational Vehicle Parks (See Chapter 27)	C	*	*	*	*	*	*	C	C	*	C
Swimming Pools, Community	C	C	C	C	C	C	C	C	C	C	A
Shooting Ranges, Outdoor	*	*	*	*	*	*	*	*	*	C	C
Amusement Park	*	*	*	*	*	*	*	*	C	*	C
Drive-in Theater	*	*	*	*	*	*	*	*	C	*	C
Miniature Golf	*	*	*	*	C	*	A	C	A	*	A
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
Recreation & Entertainment, Indoor											
Health Club	*	*	*	C	C	*	A	*	A	A	A
Movie Theater	*	*	*	*	*	*	A	*	A	A	*
Skating Rink	*	*	*	*	C	*	A	*	A	A	A
Arcade	*	*	*	*	C	*	A	*	A	A	*
Shooting Ranges, Indoor	*	*	*	*	*	*	*	*	C	A	C
All Other Indoor Recreation	*	*	*	*	C	*	A	*	A	A	A
Retail Sales & Service											
Alcohol Sales, Retail	*	*	*	*	C	*	A	*	A	A	*
Animal Clinic/Hospital/Boarding/Sales, Indoor (See Chapter 6.28 of the Municipal Code)	C	*	*	*	C	*	A	C	A	A	*
Animal Clinic/Hospital/Boarding/Sales, Outdoor (See Chapter 6.28 of the Municipal Code)	C	*	*	*	*	*	C	C	C	C	*
Bar/Nightclub	*	*	*	*	C	*	A	*	A	A	*
Bed and Breakfast (1-4 guest rooms) See Section 17.07.070 (A)	C	C	C	C	C	C	A	C	A	*	*
Bed and Breakfast (4+ Guest rooms)	*	*	*	*	*	*	A	C	A	A	*

Section 17.07.060 (F)

LAND USE/ZONING TABLE

	AR	RE	RR& LLR	CR	CMU ¹	SFR	DMU	MP	GC	I	CSR
COMMERCIAL											
Retail Sales & Service (Continued)											
Delivery and Dispatch Services (Vehicles on-site)	*	*	*	*	*	*	C	*	A	A	*
Drive-Up/Drive-Through Facilities (with permitted use)	*	*	*	*	*	*	C	*	A	A	*
Drive-Up/Drive-Through Facilities (not in conjunction with a permitted use; freestanding)	*	*	*	*	*	*	C	*	A	A	*
Food Service, Catering	*	*	*	*	A	*	A	*	A	A	*
Food Service, Restaurant (including alcohol sales)	*	*	*	*	C	*	A	*	A	A	*
Food Service, Restaurant (Not including alcohol sales)	*	*	*	*	A	*	A	*	A	A	*
Farm Implement/Equipment Sales/Service	*	*	*	*	*	*	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	*
Fuel Sales, Heavy Vehicle (not including Drive-Up/Drive-Through uses)	*	*	*	*	*	*	A	*	A	A	*
Funeral Homes/Mortuaries/Crematories	*	*	*	*	*	*	C	*	C	C	*
General Retail Sales, Indoor Operations, Display and Storage	*	*	*	*	A	*	A	*	A	A	*
General Retail Sales, Outdoor Operations, Display or Storage	*	*	*	*	C	*	A	*	A	A	*
Hotels and Motels	*	*	*	*	*	*	A	*	A	A	*
Nursery/Greenhouse, Retail (not Agriculture)	*	*	*	*	C	*	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	*
Rental, Home Oriented, Indoor Display/Storage	*	*	*	*	C	*	A	*	A	A	*
Rental, Heavy Equipment, Outdoor Display/Storage	*	*	*	*	*	*	A	*	A	A	*
Repair, Small Appliance/Small Engine	*	*	*	*	C	*	A	*	A	A	*
Repair, Large Appliance	*	*	*	*	*	*	A	*	A	A	*
Sexually Oriented Businesses (See Chapter 35 of the Land Use Code and 5.40 of the Municipal Code)	*	*	*	*	*	*	*	*	C	C	*
Personal Services	*	*	*	*	A	*	A	*	A	A	*
Medical Marijuana Centers See Section 17.07.070(U)(3)	*	*	*	*	*	*	*	*	*	*	*

Section 17.07.060 (F)

LAND USE/ZONING TABLE

	AR	RE	RR& LLR	CR	CMU ¹	SFR	DMU	MP	GC	I	CSR
COMMERCIAL											
Retail Sales & Service (Continued)											
Medical Marijuana Cultivation by Patients and Primary Caregivers in Non-Residential Units See Section 17.07.070(U)(2)	*	*	*	*	*	*	*	*	C	C	*
Medical Marijuana Optional Premises Cultivation Operations See Section 17.07.070(U)(3)	*	*	*	*	*	*	*	*	*	*	*
All Other Retail Sales and Service	*	*	*	*	C	*	A	*	A	A	*
Storage/Self Service Storage											
Mini Warehouse/Self Service Storage Facility	*	*	*	*	*	*	*	*	A	A	*
Outdoor Storage (Vehicles, Equip. Etc.)	*	*	*	*	*	*	*	*	A	A	*
Vehicle Repair, Except Quick Vehicle Servicing											
Auto and Light Truck Mechanical Repair Shop	*	*	*	*	*	*	C	*	A	A	*
Body Shop	*	*	*	*	*	*	*	*	A	A	*
Truck Stop/Travel Plaza/Truck Parking Area	*	*	*	*	*	*	*	*	C	C	*
Tire Recapping and Storage	*	*	*	*	*	*	*	*	C	C	*
All Other Vehicle Repair, Limited	*	*	*	*	*	*	C	*	A	A	*
Vehicle Service, Limited: Quick Vehicle Servicing											
Car Wash	*	*	*	*	*	*	C	*	A	A	*
Gasoline Service Station	*	*	*	*	*	*	C	*	A	A	*
Quick Lube	*	*	*	*	*	*	C	*	A	A	*
All Other Vehicle Service, Limited	*	*	*	*	*	*	C	*	A	A	*
INDUSTRIAL											
Indoor Operations or Storage											
Industrial Service	*	*	*	*	*	*	*	*	A	A	*
Assembly	*	*	*	*	*	*	*	*	A	A	*
Food Products	*	*	*	*	*	*	*	*	A	A	*
Manufacturing/Processing	*	*	*	*	*	*	*	*	A	A	*
All Other	*	*	*	*	*	*	*	*	C	A	*
Outdoor Operations or Storage											
Industrial Service	*	*	*	*	*	*	*	*	C	A	*
Assembly	*	*	*	*	*	*	*	*	C	A	*
Food Products	*	*	*	*	*	*	*	*	C	A	*
Manufacturing/Processing	*	*	*	*	*	*	*	*	C	A	*
All Other	*	*	*	*	*	*	*	*	C	C	*

Section 17.07.060 (F)

LAND USE/ZONING TABLE

	AR	RE	RR& LLR	CR	CMU ¹	SFR	DMU	MP	GC	I	CSR
INDUSTRIAL											
Junk Yard											
Junk Yard (See Municipal Code Chapter 5.24)	*	*	*	*	*	*	*	*	*	C	*
Impound Lot											
Impound Lot	*	*	*	*	*	*	*	*	C	A	*
Warehouse, Freight Movement & Distribution											
Indoor Operations, Storage and Loading	*	*	*	*	*	*	C	*	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	*
All Others	*	*	*	*	*	*	*	*	C	C	*
Waste Related Uses											
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
Wholesale Sales											
Wholesale Business (No highly flammable materials/liquids)	*	*	*	*	*	*	C	*	A	A	*
Agri Business Wholesaling	C	C	C	*	*	*	C	*	C	C	*
All Other Wholesale Uses	*	*	*	*	*	*	C	*	C	C	*
Agricultural											
Animals Agricultural; Confinement	C	*	*	*	*	*	*	*	*	C	C
Dairy	C	*	*	*	*	*	*	*	*	C	C
Winery	C	C	*	*	*	*	C	C	C	A	C
Confined Animal Feeding Operation, Feedlot	C	*	*	*	*	*	*	*	*	C	*
Forestry/Silviculture, Commercial	C	*	*	*	*	*	*	*	C	A	*
Pasture, Commercial	A	*	*	*	*	*	*	*	C	A	A
All Other Agriculture	A	A	*	*	*	*	*	*	A	*	A

Section 17.07.060 (F)

LAND USE/ZONING TABLE

	AR	RE	RR& LLR	CR	CMU ¹	SFR	DMU	MP	GC	I	CSR
INDUSTRIAL											
Aviation or Surface Passenger											
Airports/Heliports	*	*	*	*	*	*	*	*	C	C	C
Bus/Commuter Stops	A	A	A	A	A	A	A	A	A	A	A
Bus/Railroad Depot	*	*	*	*	C	*	C	*	A	A	A
Helipads	*	*	*	*	*	*	*	*	C	C	C
All Other Aviation or Surface Passenger Terminal	*	*	*	*	C	*	C	*	C	C	C
Mining (See Chapter 31)											
Oil or Gas Drilling	C	*	*	*	*	*	*	C	*	C	*
Sand or Gravel Extraction or Processing	C	*	*	*	*	*	*	C	C	C	*
All Other Mining, Extraction	*	*	*	*	*	*	*	C	C	C	*
Telecommunications Facilities											
Telecommunications Facilities, Towers and Support Structures	C	C	C	C	C	C	C	C	C	C	C

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

²Duplex, 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 or Chapter 17.17 Planned Unit Developments.
2. Maximum density may not be achievable on every lot or parcel, as the development must conform to applicable setbacks, coverage, parking, drainage, public improvements, landscaping and other code requirements including density bonus requirements.
3. Connection to the city's wastewater collection and treatment system is required for all single-family residential lots smaller than three (3) acres in size. Larger lots may be required for multi-family and non-residential developments that do not connect to the city's wastewater collection and treatment system. All uses with existing individual sewage disposal systems that require repair or replacement, or are part of a larger development plan and are within four hundred (400) feet of the existing city wastewater collection system, as measured to the closest property line, shall connect to the city system. All property to be annexed with existing land uses using individual sewage disposal systems must connect to the city wastewater collection system if they are within four hundred (400) feet or will be within four hundred (400) feet of a city wastewater collection system once the development to be annexed is completed.
4. Standards containing a slash (x/y) indicate standards for primary buildings (x) and accessory buildings (y).
5. Structures, 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 (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 ***
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'	50%
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 1	90%

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 ***
Downtown Mixed Use (DMU) – Outside Core	12 DU/acre	5,000 sf, except 6,000 sf corner lot; 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 0' 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 ½ of lot and front porches on at least 30% of front elevation with a 6' minimum depth
Community Mixed Use – Commercial Development, including Mixed Use Buildings	2 DU/acre; or up to 5 DU/acre	5,000 sf; 6,000 sf corner lots				35'/25'; or 4 stories for DU's above Commercial	60%
Community Mixed Use – Residential Development, not including Mixed Use Buildings	2 DU/acre; or up to 5 DU/acre	5,000 sf, except 6,000 sf corner lot; 7,500 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; 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 ½ of lot and front porches on at least 30% of front elevation with a 6' minimum depth

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 ***
General Commercial (GC) Non-residential development	Not Applicable	5,000 sf	0'	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	0'	10'/5' except 0' where common wall or zero-lot line dev. allowed	20'/20' except 0' where common wall or zero-lot line dev. allowed	35'/25'	80%
Industrial (I)	Not Applicable	10,000 sf	20'	20'/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	50'/70'	80%
Monument Preservation (MP)	1 DU/2 acres	2 acres	25'	50'	20'/10'	35'/25'	20%
Community Services Recreational (CSR)	No Specific Standards						

* Accessory buildings can be 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, which instead are determined through the subdivision process.

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

- A. Bed and Breakfast. Where bed and breakfast uses are allowed, they must meet the following conditions and standards:
1. Where the applicable zoning district allows bed and breakfast uses as a conditional use, the use must be a residential dwelling that contains no more than four (4) guest bedrooms where overnight lodging, with or without meals, is provided for compensation. Bed and Breakfast uses with more than four (4) guest bedrooms are considered hotels or motels;
 2. Kitchen and dining facilities in bed and breakfast dwellings may serve only residents and guests and shall not be operated or used for any commercial activity other than that necessary for bed and breakfast purposes;
 3. The bed and breakfast use shall not change the residential character of the dwelling if located in a residential zone or area;
 4. In residential zones (including residential developments in the CMU zone), there shall be no advertising display or other indication of the bed and breakfast use on the premises other than a sign that is in compliance with the provisions of Chapter 17.41;
 5. A minimum of one parking space per guest bedroom and resident bedroom shall be required. Screening may also be required;
 6. The bed and breakfast facility shall comply with all Building Codes adopted by the city;
 7. It shall be the responsibility of the applicant to demonstrate that any declarations, covenants, conditions or restrictions on the property allow for a bed and breakfast use; 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. Oversized vehicles or equipment on properties over two acres in size are exempt from this requirement but must meet the requirements of Section 17.07.060.K.4.
- 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.
- C. Accessory Dwelling Units. Accessory dwelling units are permitted on all lots containing a single family detached dwelling unit in: the Agricultural Residential (AR), Rural Estate (RE), Monument Preservation (MP), Large Lot Residential (LLR), and Rural Residential (RR) zones; on lots at least 7,000 square feet in size in the Downtown Mixed Use (DMU) and Community Mixed Use (CMU) zones; and in all other zones that allow single family residential detached 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 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.

- D. Accessory Buildings (Except Accessory Dwelling Units). An accessory building shall not protrude beyond the front plane of the principal building.
- E. Design Standards And Specifications. The following standards and regulations are applicable to all projects requiring approval under the provisions of this Title:
 - 1. Street, Road and Bridge Standards. The publication entitled “City of Fruita Design Criteria and Construction Specifications” (latest edition) shall apply to developments in all zones, except that standards and specifications published by the Colorado Department of Transportation shall apply to all State highways in all zones.
 - 2. Drainage and Storm Water Management. The publications entitled, “Mesa County Storm Water Management Manual” (latest edition), “City of Fruita Design Criteria and Construction Specifications” (latest edition), and all building codes adopted pursuant to Title 15 of the Fruita Municipal Code shall apply to developments in all zones.

Each business, commercial, or industrial development is required to meet or exceed the standards of the City of Fruita, Colorado Department of Public Health and Environment and the U.S. Department of Environmental Protection Agency with regard to water pollution control, stormwater control, and storm water management. It is the property owner’s or applicant’s responsibility, as applicable, to ensure compliance with state and federal regulations.
 - 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.
 - 4. 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.
 - 5. Other Design Standards and Construction Specifications. All other development in all zones shall comply with the publication entitled “City of Fruita Design

Criteria and Construction Specifications” (latest edition), and all building codes adopted by the city.

6. 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.
- 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 any: chimney; spire; bulkhead; elevator; water collection, recirculation, or storage system; geothermal heating system; solar photovoltaic equipment; wind turbine; belfry; cupola; windmill; antenna; or any similar structure or necessary mechanical appurtenance not designed for occupancy extending above the roof line, provided such structure does not extend more than ten (10) feet above the highest roof line and does not exceed more than ten (10) percent of the area of the roof where it projects more than four (4) feet above the highest roof plane. Light poles, flag poles, and similar structures not attached to a building are permitted to be no taller than the maximum height in the zone in which it is located.
 2. 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.

3. On properties that are used mainly for agricultural uses in the Agricultural Residential (AR) and Rural Estate (RE) zones any structures used mainly for agricultural purposes (e.g., silos and barns) are exempt from the 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 Industrial zone provided that not more than three (3) strands of barbed wire atop a fence is allowed and are not counted in the height calculation. Electric and barbed wire fencing is allowed in zones which allow large animals (such as horses, cows and sheep) only when properly installed and necessary to contain large animals.
3. There shall be no fence or wall erected which exceeds six (6) feet in height (except as permitted in subsection 7 below), as measured from the natural grade, except where the city has approved construction of a retaining wall; the height of the retaining wall shall not be included in the height of the fence. An increase of up to two (2) inches is allowed when spacing for drainage under a fence is needed. The Community Development Director may approve an increase in fence or wall height where a unique feature of the property or a permitted use warrants such an increase and the increase is not detrimental to surrounding public or private properties.

4. Except as allowed for corner lots, fences in the required front yard setback shall not exceed thirty-six (36) inches in height; such fences may be increased to forty-eight (48) inches maximum height if the fence material is at a ratio of not less than half open space to half closed space for every square foot for that part of the fence extending above thirty-six (36) inches in height. Examples of fence types that would typically comply include: chain link, picket, split rail, and similar fences.
5. On corner lots, solid fences up to six (6) feet in height within a street side setback may be permitted only on the frontage that does not contain a driveway, and provided the fence conforms to the required clear sight triangle.
6. Fences in excess of six (6) feet shall comply with applicable building codes and all required setbacks for primary buildings, as applicable. Fences in Industrial zones may exceed six (6) feet as provided for in subsection 3 above.
7. Fences in zones which permit a zero building setback must meet design standard requirements of Chapter 11 of this Title.
8. Where a fence is proposed in conjunction with a development or change in use, the location, height, materials, and detailing of the fence may be subject to other requirements or limitations to ensure consistency with the purposes of this Title.
9. All fences shall be properly maintained by the owner so as to not become a public nuisance or hazard.

I. Landscaping Requirements.

1. For single-family and duplex dwelling units with a front yard, at least one (1) tree in the front yard is required to be planted and maintained within six (6) months of issuance of a Certificate of Occupancy.
2. Except for development subject to Level One Design Standards of Chapter 11 of this Title, no less than ten (10) percent of a lot or parcel developed for multi-family or non-residential land uses must be landscaped. At least half of this landscape must be provided on the front half (street sides) of the development unless the front setback is permitted to be, and will be, fifteen (15) feet or less, in which case the required landscaping may be located anywhere on the property provided all other requirements are met. Landscaping must include at least one (1) small tree for every five hundred (500) square feet, one (1) medium tree for every one thousand (1,000) square feet, or one (1) large tree for every 1,500 square feet of landscaped area along with two (2) shrubs for every tree and appropriate groundcover. Landscaping, in addition to the minimum ten (10) percent may be required for parking lots containing more than fifteen (15) car parking spaces and/or for buffering and screening purposes as deemed necessary

to comply with compatibility requirements of Section 17.07.080 and/or parking lot landscape requirements of Section 17.39.070.G of this Title.

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.
4. 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.
5. 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, DMU, or I 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 Vehicles and Similar Equipment on Residential or Agricultural Property.

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

L. Temporary Uses. 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). –Temporary uses must comply with the criteria listed below. The city may 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:

- a. The applicant has the property owner's permission to place the use on the specified property.
- b. Permanent changes to the site are prohibited.
- c. The temporary use regulations do not exempt an applicant or operator from any other required permits; such as, health department permits.
- d. The use does not interfere with travel on public ways (including pedestrian and vehicle travel), and does not interfere with access to another property.
- e. Ingress and egress are safe and adequate when combined with the other uses of the property.
- f. Temporary use sign(s) shall be permitted in compliance with the requirements of Chapter 41.
- g. 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:
 - 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 in a calendar year, all of the following criteria must be met. Uses occurring for longer periods of time are considered permanent uses and must follow all requirements 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. If the principal use of a property is classified as a Conditional Use by the zone, and a proposed 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.
 - f. The use is adequately served by public facilities or provides acceptable temporary/portable facilities, as approved by the city.
 - 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 may be allowed in any zone based on compliance with the following criteria:

- a. The temporary sales office, 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 regulations;
- b. The property to be used for a temporary sales office or construction office shall not be permanently improved for that purpose;
- c. Conditions may be imposed regarding temporary utility connections, as necessary to protect public health, safety, or welfare; and
- d. A temporary sales office, 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.

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 Mesa County Air Quality Planning Committee. It has been found that a major contributor to the air pollution problem in the Grand Valley is the widespread use of wood stoves and fireplaces that do not have air pollution control devices.
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 abutting public rights-of-way and the ground floor of abutting

residential land uses. These requirements do not apply to single family or duplex dwelling developments.

- 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 abutting land uses by locating them inside buildings (as practical), or by placing them behind a sight obscuring fence, wall, landscaping, or combination thereof. The storage of oils, chemicals, wastewater and other liquid contaminants must be stored and contained in structures approved by the U.S. Environmental Protection Agency (EPA) and the Colorado Department of Public Health and Environment to prevent them from leaking.
- 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 requirements regarding such uses.
- Q. 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.
- R. 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.
 - 2. The following regulations shall apply to all new outdoor lighting on private land:
 - 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. 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.

S. Irrigation water. Irrigation water must be provided to new developments when landscaping is required and must be used for required landscape areas where irrigation water is legally and physically available. A minimum of one and one half (1 ½) to two (2) shares of irrigation water per irrigated acre is required to be provided. See the City of Fruita Design Criteria and Construction Specifications Manual for more information.

T. 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 General Commercial (GC), and the Industrial (I) 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 General Commercial (GC), and the Industrial (I) 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 General Commercial (GC) and the Industrial (I) 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 identification 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 General Commercial (GC), and the Industrial (I) zones only subject to the requirements contained in Chapter 5.15 of the Fruita Municipal Code and the following provisions;

- a. If the City of Fruita's population is less than 20,000 persons, only one (1) medical marijuana center and one (1) optional premises cultivation operation related to a medical marijuana center shall be approved as a conditional use. If the city's population is between 20,000 persons and 30,000 persons, the City of Fruita may grant two (2) conditional use permits for medical marijuana centers and two (2) conditional use permits for optional premises cultivation operations related to medical marijuana centers. Populations shall be determined by the most recent

data available from the U.S. Census Bureau and the State of Colorado Demography office. In the event more than one (1) application for a conditional use permit for a medical marijuana business of the same classification are submitted to the city within a period of thirty (30) days, the applications comply with all the requirements of the Fruita Land Use Code, Chapter 5.15 of the Fruita Municipal Code and the Colorado Medical Marijuana Code, but the city is not permitted to approve all of the applications because of the limitations set forth in this subsection, the city shall approve the application that the City Council finds and determines will best promote the intent and purposes of the Fruita Land Use Code, Chapter 5.15 of the Fruita Municipal Code and the Colorado Medical Marijuana Code.

- b. The city shall not receive or act upon an application for a conditional use permit if the building in which the medical marijuana business is to be located is within one thousand feet (1,000') of the following:
 - i. A State licensed public or primary preschool or a State licensed public or private elementary school, middle, junior high or high school;
 - ii. A State licensed residential child care facility;
 - iii. An alcohol or drug treatment facility; or
 - iv. A principal campus of a college, university, or seminary.

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

- c. The city shall not receive or act upon an application for the issuance of a conditional use permit if the building in which the medical marijuana business is to be located is within five hundred feet (500') of the following:
 - i. Any residential land use;
 - ii. Any public park or other publicly owned or maintained building open for use by the general public; or
 - iii. Any religious institution or place of worship.

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

- d. The city shall not receive or act upon an application for the issuance of a conditional use permit if the application concerns a particular location that is the same as or within one thousand feet (1,000') of a location for which, within the two (2) years immediately preceding the date of the application, the city denied an application for a special use permit for a medical marijuana business due the nature of the use or other concerns related to the specific location.
- e. Marijuana plants, products, accessories, and associated paraphernalia contained in a medical marijuana business shall not be visible to members of the public from a public sidewalk, public street or right-of-way, any other public place, or any portions of the building in which the medical marijuana business is located not restricted to access by patients and employees only.
- f. All signage related to a medical marijuana Business shall meet the standards established in the Fruita Land Use Code. In addition, signs shall be restricted to a total of sixteen square feet, including all temporary signs. No signs associated with a medical marijuana business shall use the words "marijuana", "cannabis", or other any word or phrase commonly understood to refer to marijuana unless such word or phrase is immediately preceded by the word "medical" or the message of such sign includes the words "for medical use" or "for medicinal purposes" in letters that are no smaller than the largest letter on the sign. No depiction of marijuana plants or leaves shall appear on any exterior sign of a medical marijuana business.
- g. Parking requirements for a medical marijuana center shall be based on parking requirements for high volume retail sales.
- h. The medical marijuana business shall be operated in a manner that does not cause any substantial harm to the public health, safety and welfare.
- i. Any conditional use permit granted for a medical marijuana business confers only a limited and conditional privilege subject to the requirements, conditions and limitations of Chapter 5.15 of the Fruita Municipal Code and State law. Any license granted for a medical marijuana business pursuant to Chapter 5.15 may be further regulated, limited or completely extinguished at the discretion of the City

Council or the electors of the city, without any compensation to the licensee.

- j. A conditional use permit for a medical marijuana business may be subject to conditions that are reasonably necessary to protect the public health, safety or welfare, including but not limited to the following:
 - i. Limits and requirements on parking and traffic flows;
 - ii. Limits on noise inside the medical marijuana business or on adjacent grounds;
 - iii. Prohibitions on certain conduct in the medical marijuana business;
 - iv. A limitation on the square footage that can be utilized by the medical marijuana business; and
 - v. Any other conditions reasonably necessary to protect the public health, safety and welfare and fulfill the intent and purposes of the Fruita Land Use Code and Chapter 5.15 of the Fruita Municipal Code.”

17.07. 080 LAND USE COMPATIBILITY CRITERIA.

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 Master 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 uses.

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

- A. A legal non-conforming use may be extended throughout the same building, provided no structural alteration of such building is made for the purpose of such extension. A legal non-conforming use of property not contained within a building shall not be expanded.
- 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.
- D. A structure, 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 applicable city regulations.
- E. A non-conforming structure, building or sign which has been damaged to an extent not exceeding fifty (50) percent of its assumed market value on the day before the damage occurred 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. 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, or sign must be discontinued. Assumed market value for a building shall be determined by multiplying the most recent assessed value of the damaged building by four (4). This section shall not apply to single-family dwellings. Legal non-conforming single-family 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. Such legal non-conforming lot may be used provided all zoning and other applicable city 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-family residential dwelling unit, 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 require a Conditional Use Permit, but all other standards apply.
- H. Non-conformities should be brought into compliance with all city regulations before annexation 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.

**PASSED AND ADOPTED BY THE FRUITA CITY COUNCIL, THIS
5th DAY OF APRIL, 2016.**

City of Fruita

ATTEST:

Lori Buck, Mayor

City Clerk