

SECTION 15-2-11. "B2" Business District.

A. Intent of District. The purpose for which this district is created is to provide for orderly business development along Highway 135 and the Ski Area Road, and to do so in a way compatible with safe traffic flow and the aesthetics of the Town.

B. Permitted Uses:

1. Retail commercial establishments, limited to the following and similar uses: antiques, appliances, art supplies, galleries, retail bakeries, bookstores, cameras, candies, tobaccos, florists, food markets, furniture, gifts, hardware, hobby shops, photo shops, sporting goods, stationery and variety stores;
2. Office uses;
3. Financial institutions;
4. Personal services establishments;
5. Medical and dental clinics;
6. Shop crafts;
7. Rental, repair and wholesaling facilities in conjunction with any of the above uses provided all such activity is clearly incidental and accessory to the permitted use and conducted within a building;
8. Newspaper publishing offices. (rev. 5/20/91; Ord 2, 2003)

C. Conditional Uses: {rev. 10/21/91; 5/16/94}

1. Printing offices;
2. Residential units comprising up to one-half of the total floor area of any building. Such residential unit may only be used as a long-term rental unit or, under the circumstances set forth herein, as an owner-occupied unit. In the event that a conditional use for a residential unit is granted, that use may not in the future revert to any other use. The unit thereafter shall be restricted to such use.

In the event that an owner of a unit, for which a conditional use for a residential unit is granted, owns and uses for his or her own use another non-residential unit as a permitted use or an approved conditional use within the same building, the owner may occupy the residential unit. Only owners conducting business themselves in their non-residential unit may occupy their residential unit. Leasing the non-residential unit to another person or entity for their use is not considered "using for his or her own use or conducting business themselves" under this section. (Ord 2,2003)

3. Hotels, lodges, motels and resorts;
4. Clubs;
5. Non-commercial nurseries and greenhouses;
6. Fraternities and sororities;
7. Funeral parlors and mortuaries;
8. Motor vehicle, snowmobiles and recreational vehicle leasing and rentals, provided that the following requirements are met:

- (a) The property upon which such activity is conducted shall be contiguous to Colorado Highway 135 or the Gothic County Road.
- (b) No more than two (2) of permittee's motor vehicles or two (2) of permittee's snowmobiles or two (2) of permittee's recreational vehicles shall be parked on the premises at any time, but no combination of more than two of the above.
- (c) No vehicle repairs or maintenance of any kind shall be performed upon the premises.
- (d) "Recreational Vehicle" shall mean a self-propelled wheeled vehicle primarily designed to be operated for recreational purposes on roads and highways for which registration as a motor vehicle is required or permitted under Colorado state law.
- (e) The size, weight and type of vehicle to be parked on the premises shall be considered in issuing any permit for a conditional use pursuant to this Ordinance. The standard of review shall be based on the appropriateness of the vehicle to the premises and adjoining uses.

9. The auto related uses of fueling and vehicle washing which are provided as a service incidental to a retail store, provided the following conditions are met:

- (a) The minimum lot area shall be 15,625 square feet.
- (b) The same conditional use has not been granted for other property located within 500 feet of the parcel (property) for which the conditional use permit is sought.
- (c) The fuel dispensing units accommodate no more than four vehicles at any given time. {rev. 5/16/94}
- (d) The lot for which the permit is sought shall access directly onto both Highway 135/Ski Area Road and a Town street.

10. Open space recreation sites, recreation clubs, theatres, assembly halls, schools, churches, hospitals, public buildings, and governmental offices. Such uses may be allowed conditionally, provided that the required off street parking is provided. {rev. 1/4/93}

11. Parking areas; and

12. Restaurants, cocktail lounges or other places serving food and/or alcoholic beverages, excluding drive-in eating places that serve customers in their automobiles or vehicles. {rev. 5/16/94}

D. Minimum Lot Area: 6,250 square feet. {rev. 1/4/93}

E. Maximum Lot Area: 9,375 square feet.
Minimum Lot Width: 25 feet.

G. Minimum Front Yard: 5 feet. {rev. 1/4/93; 4/3/95}

H. Minimum Side Yard: 7.5 feet for flat roof buildings and from 7.5 feet to as much as 11.5 feet for sloped roof buildings, dependant upon snow storage requirements and guidelines and the proximity of adjacent structures as determined by the Board. Provided, however, that in Block 25, the setback shall be from none to as much as 7.5 feet for flat roof buildings if it meets the criteria required for a conditional waiver of a non-conforming aspect as set forth in Section 15-2-24. Further provided, that before allowing less than a 3 foot setback on a side lot line where the abutting owner's sloped roof building is within 4.5 feet of the lot line and sheds snow toward the lot line, the proponent must present the Board with an agreement allowing the desired side yard setback properly executed by all affected property owners, as determined by the Board, which agreement shall run with the land and be recorded in the real property records of Gunnison County. {rev. 1/4/93; Ord.No.17,1995;Ord 21,1995}

I. Minimum Rear Yard: 15 feet.

J. Minimum Floor Area: 400 square feet for each residential unit. {rev. 5/21/90}

K. Maximum Floor Area Ratio: .5 as a matter of right, provided, however, that the Board in its discretion may allow a maximum floor area ratio of up to .64 depending upon the provision of site amenities, an appropriate trash storage/dumpster location and access thereto, and adequate snow storage. {rev. 1/4/93}

L. Maximum Building Height: thirty-five (35) feet.

M. Minimum Exterior Wall Height: seven (7) feet.

N. Minimum Vertical Distance from Eave Line of Roof to the Finished Grade Level: six (6) feet.

O. Slope of Roof: A minimum of 4:12. A flat roof must contain a parapet on the sides facing a street, and as otherwise required by the Board. {rev. 5/16/94} (Ord. 17, 2007, §12)