

CITY OF GRAND JUNCTION, COLORADO

ORDINANCE NO. 5190

AN ORDINANCE REPEALING AND AS APPLICABLE REPLACING THE 2010 ZONING AND DEVELOPMENT CODE AND ADOPTING THE 2023 ZONING AND DEVELOPMENT CODE

Recitals

On December 16, 2020, the Grand Junction City Council adopted the 2020 One Grand Junction Comprehensive Plan (Plan). To implement the Vision and Goals of the Comprehensive Plan, the Zoning and Development Code (Code) needed to be updated. The City's Code is dated and cannot fully implement the Plan.

With input from community stakeholders, staff and City Council, the proposed Zoning and Development Code has been updated and revised to ensure that it will implement the Plan.

After public notice and public hearing as required by the Charter and Ordinances of the City, the Grand Junction Planning Commission recommended approval of the proposed 2023 Zoning and Development for the following reasons:

The request is consistent with the goals and policies of the Comprehensive Plan;
and,
The proposed updated Zoning and Development Code will help implement the vision, goals, and strategies of the Comprehensive Plan.

After public notice and public hearing before the Grand Junction City Council, the City Council hereby finds and determines that the proposed 2023 Zoning and Development Code will implement the vision, goals, and strategies of the Comprehensive Plan and should be adopted.

NOW THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GRAND JUNCTION THAT:

The foregoing Recitals are incorporated and in consideration thereof, and as otherwise found and determined by the City Council to be in the best interests of the public health, safety, and welfare, the 2010 Zoning and Development Code is hereby repealed, and as applicable replaced.

The updated Zoning and Development Code, also known as the 2023 Zoning and Development Code, attached hereto, and incorporated by reference as if fully set forth, is hereby adopted.

INTRODUCED on first reading the 17th day of November 2023 and ordered published in pamphlet form.

PASSED and **ADOPTED** on second reading the 20th day of December 2023 and ordered published in pamphlet form.

ATTEST:



Amy Phillips

City Clerk



Anna M. Stout
President of the City Council



Zoning & Development Code

Grand Junction, Colorado

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Chapter 21.01 General Provisions

21.01.010 TITLE

These regulations shall be known and cited as the City of Grand Junction Zoning and Development Code (“Code”). This Code replaces the previous Zoning and Development Code adopted pursuant to Ordinance No. 4419 dated April 5, 2010, and as amended thereto.

21.01.020 AUTHORITY

The City of Grand Junction (“City”) is authorized by its home rule powers pursuant to the Colorado Constitution and the Charter of the City of Grand Junction, Colorado. The City Council chooses to exercise broad powers including the regulation of zoning, planning, and subdivision of land. In addition, the City Council intends that all other available powers shall support this Code including those provided by state law, such as but not limited to municipal powers: § 31-15-101 C.R.S., et seq.; planning and zoning § 31-23-101 C.R.S., et seq.; § 30-28-201 C.R.S., et seq.; § 29-20-101 C.R.S., et seq.; the power to designate and administer areas and activities of state interest, § 24-65.1-101 C.R.S., et seq.; and regulation of planned unit development, § 24-67-101 C.R.S., et seq. If other authority is available because of changes in statutory and case law, state and federal, the City Council intends to avail itself of those resources as well.

21.01.030 EFFECTIVE DATE

- (a) This Code shall become effective on January 21, 2024 (Effective Date). The Zoning and Development Code that was effective immediately prior to this Code shall be referred to as the 2010 Code.
- (b) Two copies of the 2010 Code shall be maintained and remain of record in the City Clerk’s Office and the Community Development Department, either in hard copy or electronically. An unofficial public copy may also be maintained on the City’s website. All copies of the 2010 Code that are publicly available shall be clearly identified as outdated.

21.01.040 SCOPE

- (a) This Code shall apply to all activities on public and private land over which the City has jurisdiction under the constitution and laws of the State of Colorado, the United States, or pursuant to the City’s powers.
- (b) Not all situations will fall into easily identifiable processes and requirements. This Code provides flexibility in dealing with situations in general, and especially those which do not fit well with typical processes and standard requirements. The elements that make up this Code are interrelated and cannot be taken in isolation; all provisions and regulations must be taken within the context and intent of the entire Code.
- (c) No person shall begin or change a land use or development in the City without first obtaining an appropriate permit or approval.

21.01.050 PURPOSE

This Code is intended to:

- (a) Promote the health, safety and general welfare of the citizens and residents of the City;
- (b) Implement the goals and policies of the Comprehensive Plan;
- (c) Promote a compact pattern of growth and encourage the efficient use of land;
- (d) Bring about more opportunities for housing choices that meet the needs of people of all ages, abilities, and incomes;
- (e) Balance the safety and needs of all transportation modes to ensure an efficient transportation system for pedestrians, cyclists, transit, and other vehicles;
- (f) Preserve and enhance natural resources and unique assets, such as scenic, riparian, recreation areas, and wildlife habitat through sustainable development practices;
- (g) Protect the City's historic resources including agriculture and industry and support the development and expansion of public spaces that promote a collective identity; and
- (h) Ensure regulations do not disproportionately affect a particular group or geographic location.

21.01.060 SEVERABILITY

The provisions of this Code shall be severable. If any provision is declared invalid by a court of competent jurisdiction, the effect of the decision shall be limited to that provision or provisions which are expressly stated in the decision to be invalid and may, as determined by the City Attorney, be further limited to the specific persons or parcels that are the subject of the decision. The applicable provision shall be removed from the Code or otherwise identified as severed, and the decision shall not affect, impair, or nullify the remainder of the Code.

21.01.070 MINIMUM STANDARDS

This Code sets the minimum requirements necessary for the promotion of public health, safety, and welfare. In many instances, the public is best served when such minimums are exceeded. Where the requirements of this Code are at variance with other applicable law, rule, contract, resolution, or regulation of the City, county, state, or federal government contains standards covering the same subject matter, the more restrictive requirement or higher standard shall control.

21.01.080 PRIVATE RESTRICTIONS

- (a) If any provision of this Code is more restrictive or imposes a higher standard than any such private restriction, the requirements of this Code shall control.
- (b) This Code is not intended to affect any private agreement or condition such as a deed restriction or covenant. Where the provisions of any private restriction are more restrictive or impose higher standards than the provisions of this Code, the City has no duty to enforce such private restrictions, nor is the City obligated to adopt regulations consistent with private restrictions.

21.01.090 APPLICATION OF REGULATIONS DURING LOCAL EMERGENCY

The Director may waive applicable provisions of this Code during a local emergency declared by the Mayor or City Manager. A public health emergency, wildfire, flood, or other catastrophic situations are examples of a local emergency.

21.01.0100 FEES, CHARGES, AND EXPENSES

The City Council shall set fees in amounts sufficient to recover all or a portion of the taxpayer costs spent administering this Code, including for processing, giving notice, and reviewing development applications. The City Council may, by resolution, modify any fee at any Council meeting.

21.01.0110 TRANSITIONAL PROVISIONS

(a) Intent and Applicability

This Code is not intended to abrogate or annul any building permit, certificate of occupancy, variance, or other lawful permit issued before the Effective Date. Applications and permits that have not achieved final approval as of the Effective Date shall be processed according to the provisions of this section.

(b) Existing Development Approvals

- (1) Any development validly approved under any prior regulations, may be carried out under the terms and conditions of the approval provided the approval has not expired and the development complies with any applicable standards of this Code regarding ongoing operations and maintenance.
- (2) Any Planned Development approved prior to the Effective Date shall comply with the requirements of GJMC 21.02.050(i).
- (3) If a prior approval expires based on an expiration established in the 2010 Code or the project development approval, is revoked, or otherwise becomes invalid, any subsequent development of the site shall be subject to the procedures and standards of this Code.
- (4) The Director may renew or extend the time of a previous approval if the required standards or criteria for approval remain valid. Any extension granted shall not exceed the time specified for the extension of the specific approval specified in GJMC 21.02.030(j).
- (5) Any re-application for an expired, lapsed, or terminated project approval shall meet the standards in effect at the time of re-application.
- (6) Unless otherwise provided in the initial approval, any proposed revision to an existing application or approval shall be reviewed based on the Code in effect at the time of submission of a complete application for the revision.

(c) Applications in Progress

- (1) A complete application for a single-step approval, submitted prior to the Effective Date and pending approval at the time of adoption of this Code may be decided under the regulations in effect when the application was determined to be complete, or may be reviewed and decided under this Code at the request of the applicant. Applications shall

not be processed under a combination of prior regulations and this Code. Any re-application after the Effective Date shall comply with the requirements of this Code.

- (2) Complete applications for the first step of a multiple-step approval process submitted prior to the Effective Date shall continue to be processed pursuant to the 2010 Code. Later step applications shall be processed pursuant to the 2010 Code if the first step approval was design specific, and pursuant to the 2023 Code if the first step approval was conceptual, as follows:

| Table 21.01-1: Applications in Progress | | | | | |
|--|------------------|------------------|-----------------------------------|------------------|------------------|
| Complete Application, First Step | 2023 Code | 2010 Code | Later Step Application [1] | 2023 Code | 2010 Code |
| Conditional Use Permit | | | | | |
| CUP Application | | x | Site Plan | x | |
| Planned Development | | | | | |
| Outline Development Plan | | x | Final Development Plan(s) | | x |
| | | | Site Plan(s) [2] | | x |
| Rezoning | | | | | |
| Rezoning Application | | x | Site Plan | x | |
| Subdivision | | | | | |
| Preliminary Plan | | x | Final Plat | | x |
| Notes: | | | | | |
| [1] Processed pursuant to 2010 Code only if First Step approval has not expired. | | | | | |
| [2] Applicant may elect review under 2023 Code. | | | | | |

- (3) Any questions about whether this Code or the 2010 Code is applicable shall be determined by the decision-making body. An applicability decision by either the Planning Commission or the City Council may only be appealed in accordance with Colorado Rule of Civil Procedure 106.

(d) No Applications Submitted

Projects for which no application has been submitted and accepted as complete prior to the Effective Date shall be subject to all requirements and standards of this Code.

(e) Lapsing

Regardless of whether or not a completed application has been received prior to the Effective Date, any permit or approval issued following the Effective Date shall be subject to the lapsing provisions of GJMC 21.02.030(j).

(f) Violations under Prior Code

Any violation occurring under the 2010 Code will continue to be a violation under this Code and be subject to penalties and enforcement pursuant to GJMC Chapter 21.13.

Chapter 21.02 Administration and Procedures

21.02.010 DECISION-MAKING AUTHORITY

(a) City Council

In addition to the powers and duties in City Charter Article VI, the City Council shall:

- (1) Appoint members to the Planning Commission, the Zoning Board of Appeals, and the Historic Preservation Board.
- (2) As it deems appropriate, decide, adopt, and/or amend a:
 - (i) Comprehensive Plan;
 - (ii) Area, corridor, neighborhood, circulation, street, annexation, or other City plan;
 - (iii) Vacation of right-of-way and of lesser interest in land such as an easement;
 - (iv) Designation of a local historic site, structure and/or district, and revocation of such designation; and
 - (v) Fee to pay for, at least in part, the impacts of development, consistent with the nexus study for the fee when applicable.
- (3) Hear and decide requests for:
 - (i) Annexation and change to the City's limits;
 - (ii) Zoning and/or change to zone or a Zoning Map, including a Planned Development zone;
 - (iii) Special Dimensional Permit;
 - (iv) Planned Development Outline Development Plan (ODP) or change to an ODP;
 - (v) Preliminary Plan for a Planned Development without a valid ODP;
 - (vi) Revocable Permit for use or occupancy of a City right-of-way or public place (except that the City Council may delegate such authority to the Director for minor or temporary uses or occupancies such as landscaping or irrigation facilities);
 - (vii) Vested right for a site-specific development plan per GJMC 21.02.050(q)(2);
 - (viii) Appeal of Planning Commission and Director decisions as provided in this Code;
 - (ix) Street name change;
 - (x) Fee in lieu of land dedication waiver;
 - (xi) Sewer variance; and
 - (xii) Appeal of decisions of Historic Preservation Board.

(b) Planning Commission

(1) Composition

The Planning Commission shall consist of seven regular members and two alternate members. Alternate members shall attend Commission meetings and shall serve and vote as may be required during the temporary unavailability of any regular member. The City Council shall, at the time of appointment, designate a first alternate and a second

alternate; each shall fill in during the temporary absence of a regular member according to their priority. Members shall be appointed to provide a balanced, community-wide representation.

(2) Member Qualifications

Regular and alternate members shall be residents of the City of Grand Junction and shall represent the interests of the City as a whole. No member shall be employed by the City, hold any other City office, or be a contractor with the City. The members shall be selected from the fields of engineering, planning, architecture, construction trades, and/or law, and from citizens at large.

(3) Term

Members shall serve terms of four years. Members are limited to two consecutive terms.

(4) Vacancies

When there is a vacancy among the regular members of the Planning Commission, the first alternate shall be appointed to fill it, the second alternate shall become the first alternate, and a new second alternate shall be appointed. All vacancies shall be filled by appointment by the City Council. If a member ceases to reside in the City, that person's membership on the Commission shall immediately terminate and an appointment made to fill the unexpired term.

(5) Removal

Members may be removed after public hearing by the City Council on grounds of inefficiency, neglect of duty, malfeasance, or misfeasance in office. The City Council shall make public a written statement of reasons for removal prior to any public hearing seeking removal of a member.

(6) Meetings

Planning Commission meetings shall be regularly scheduled not fewer than one time per month, provided there are pending items or matters to be brought before the Commission, at a time and place designated annually by resolution of the City Council. Special meetings may be held as provided by rules of procedure adopted by the Commission and/or this Code or law.

(7) Voting

The presence of four voting members shall constitute a quorum. All recommendations to the City Council and all final decisions of the Planning Commission shall require an affirmative vote of no fewer than four members (a majority of the seven members of the Commission, which may be comprised of regular, or regular plus alternate, members).

(8) Compensation

Members shall be compensated at a rate established by the City Council by resolution.

(9) Powers and Duties

Except as otherwise provided by this Code, or by ordinance, rule, policy or regulation of the City Council, the Commission shall be governed by § 31-23-201 C.R.S., et seq. and shall

have the powers provided therein. The Commission's actions shall be governed by the procedures set forth in this Code, and/or law, ordinance, rule, regulation, or policy of the City Council. The powers and duties of the Planning Commission include, but are not limited to:

- (i) Provide a recommendation to the City Council on adoption of or amendment to any of the following:
 - (A) Comprehensive Plan; and
 - (B) Area, corridor, neighborhood, circulation, traffic, or other City plan.
- (ii) Hear and make a recommendation to the City Council upon any request for a:
 - (A) Vacation of Public Right-of-Way or Easement;
 - (B) Code text amendment
 - (C) Zoning or change to a zone or Zoning Map, including Planned Development zoning;
 - (D) Special Dimensional Permit;
 - (E) Planned development Outline Development Plan or major amendment thereto;
 - (F) Vested right as provided in this Code for a Site-Specific Development Plan; and
 - (G) Sewer Variance.
- (iii) Decide:
 - (A) Plat Vacation;
 - (B) Conditional Use Permit;
 - (C) Variance as provided by this Code; and
 - (D) Other tasks as assigned by the City Council.

(c) Zoning Board of Appeals (ZBA)

(1) Composition

The Zoning Board of Appeals shall consist of three members, who shall represent the interests of the City as a whole. Members shall be appointed by the City Council from time-to-time. Generally, members shall be the Chairperson of the Planning Commission along with the first and second alternate Planning Commission members, or as otherwise appointed by the City Council.

(2) Removal

The City Council may, after a public hearing, remove any member of the Board for good cause including inefficiency, neglect of duty, malfeasance, or misfeasance in office. The Council shall make public a written statement of the reasons for the removal prior to the public hearing.

(3) Meetings

The Board shall meet on an as-needed basis.

(4) Voting

The presence of two members shall constitute a quorum of the Board. A majority of a quorum of the Board shall be sufficient to conduct the business of the Board. A lesser number than a quorum may act to adjourn or continue a meeting.

(5) Compensation

Members shall be compensated at a rate established by the City Council by resolution.

(6) Powers and Duties

Except as otherwise provided by this Code, ordinance, rule, policy, or regulation of the City Council, the Zoning Board of Appeals shall be governed by § 31-23-307 C.R.S. The Board shall have the power and duty to decide:

- (i) Appeals of administrative determinations as provided in GJMC 21.02.050(j);
- (ii) Requests to for Variances per GJMC 21.02.050(p); and
- (iii) Requests for relief from the nonconforming provisions established in GJMC Chapter 21.12.

(d) Director

The Director shall serve as the administrator of this Code at the direction of the City Manager. The Director shall serve as staff to the Planning Commission, the Zoning Board of Appeals and the Historic Preservation Board and shall have such other duties and responsibilities as specifically prescribed in this Code. The term Director also includes the Director's designee(s).

(1) Powers and Duties

The Director shall render the decision on every request for

- (i) Any Administrative Permit listed in GJMC 21.02.040;
- (ii) Site Plan Review (Major or Minor);
- (iii) Sign Package;
- (iv) Simple Subdivision
- (v) Subdivision Final Plat;
- (vi) Subdivision Construction Plan;
- (vii) Subdivision Preliminary Plan;
- (viii) Planned Development Final Plan and minor amendment to a Final Plan;
- (ix) Development Improvement Agreement;
- (x) Administrative Adjustment;
- (xi) Revocable Permit for landscaping and irrigation in the public right-of-way and other such use of the right-of-way as delegated by the City Council;
- (xii) Administrative Comprehensive Plan Amendment.

(e) Historic Preservation Board

(1) Composition

The Historic Board shall consist of not fewer than five nor more than seven members appointed by the City Council. The City Council shall determine the number of members when it makes an appointment. Members shall be appointed to provide a balanced, community-wide representation.

(2) Member Qualifications

When there are more than five members, at least four shall be professionals or have expertise in a preservation-related discipline such as history, architecture, or planning or archaeology; when there are five members, at least three shall have such qualifications.

(3) Term

Members shall serve four-year terms. City Council shall stagger the terms from the date of appointment. A member may continue to serve until a successor has been appointed.

(4) Vacancies

Vacancies shall be filled by appointment by the City Council.

(5) Removal

Members may be removed by the City Council without cause.

(6) Meetings

The Historic Board shall establish a regular meeting schedule. Minutes shall be kept of all proceedings. The Board shall conduct its business in accordance with the Open Meetings and Public Records Acts and other laws applicable to public bodies.

(7) Voting

A quorum shall require three members if the Historic Board consists of five members; four if it consists of more than five members. A quorum shall be required for the Board to conduct any business, and an affirmative vote of the majority of those present shall be required to pass any motion.

(8) Compensation

Members serve without compensation, except that the City Council may authorize, in advance, payment of such amounts it determines appropriate to offset expenses incurred in the performance of Board duties.

(9) Powers and Duties

The Historic Board shall, after public notice and solicitation of public comment:

- (i) Recommend eligibility criteria for the designation of historic resources and for review of proposals to alter designated resources;
- (ii) Review and determine qualifications of properties nominated for designation as either an historic structure, site or district and recommend to City Council approval or denial of a designation;

- (iii) Upon property owner's request, review and make recommendations to the owner on proposed alterations to a designated historic structure, site, or district;
- (iv) Advise and assist owners of historic properties on physical and financial aspects of preservation, renovation, rehabilitation, and reuse, including nomination to the City Register, the State Register, and the National Register of Historic Places;
- (v) Develop and assist in public education programs including, but not limited to, walking tours, brochures, a marker program for historic properties, lectures, exhibits and conferences;
- (vi) Conduct surveys of historic sites, properties, and areas for the purpose of defining those of historic significance and prioritizing the importance of identified historic areas. The Historic Board may create a list of structures of historical or archeological merit which have not been designated;
- (vii) Advise the City Council on matters related to preserving the historic character and substance of the City and recommend easements, covenants, licenses, and other methods which would implement the completion of the purposes of this section;
- (viii) Actively pursue financial assistance for preservation-related programs;
- (ix) Review and decide applications for a Certificate of Appropriateness for alteration to a site and/or structure in the North Seventh Street Historic Residential District; and
- (x) Review and decide applications for changes to other historic sites and structures as specifically prescribed by this Code for a duly designated historic site, district, or area.

21.02.020 SUMMARY TABLE OF REVIEW AND DECISION-MAKING BODIES

| Table 21.02-2: Summary Table of Review and Decision-Making Bodies | | | | | | |
|--|--|-----------------|-------------------|------------|---------------------|------------|
| R= Recommendation D = Decision A = Appeal | | | | | | |
| Section | Procedure | Director | Plan Comm. | HPB | City Council | ZBA |
| Administrative Permits | | | | | | |
| 21.02.040(c)(2)(i) | Change of Use Permit | D | A | | | |
| 21.02.040(b) | Fence Permit | D | A | | | |
| 21.02.040(c)(2)(ii) | Floodplain Development Permit | D | A | | | |
| 21.02.040(b) | Home Occupation Permit | D | A | | | |
| 21.02.040(b) | Planning Clearance and Building Permit | D | A | | | |
| 21.02.040(c)(2)(iii) | Sign Permit | D | A | | | |
| 21.02.040(b) | Temporary Use Permit | D | A | | | |
| 21.02.040(b) | Any Administrative Permit not listed | D | A | | | |
| Administrative Approvals | | | | | | |
| 21.02.040(d) | Administrative Adjustment | D | | | | A |
| 21.02.040(e) | Code Interpretation by Director | D | | | | A |
| 21.02.040(f) | Comprehensive Plan Amendment, Administrative Changes [1] | D | | | A | |
| 21.02.040(l)(5) | Final Plat | D | | | A | |
| 21.02.040(g) | Group Living Processes | D | | | A | |
| 21.02.040(h) | Minor Plat Amendment | D | | | | |
| 21.02.040(l)(4) | Preliminary Subdivision Plan | D | | | A | |
| 21.02.040(b) | Revocable Permit, Director approval [2] | D | | | A | |
| 21.02.040(i) | Sign Package | D | | | | |
| 21.02.040(j) | Simple Subdivision | D | | | A | |
| 21.02.040(k) | Site Plan, Major or Minor | D | | | A | |
| Applications Requiring a Public Hearing | | | | | | |
| 21.02.050(c) | Annexation | R | | | D | |

Table 21.02-2: Summary Table of Review and Decision-Making Bodies
R= Recommendation D = Decision A = Appeal

| Section | Procedure | Director | Plan Comm. | HPB | City Council | ZBA |
|--------------|--|----------|------------|-----|--------------|-----|
| 21.02.050(d) | Code Text Amendment | R | R | | D | |
| 21.02.050(e) | Comprehensive Plan Amendment (CPA), Non-Administrative | R | R | | D | |
| 21.02.050(f) | Conditional Use Permit (CUP) | R | D | | A | |
| 21.02.050(g) | Conditional Use and Special Dimensional Permit Amendment, Termination, or Revocation | R | D | | A | |
| 21.02.050(h) | Institutional and Civic Facility Master Plans | R | R | | D | |
| 21.02.050(i) | Planned Development | R | R | | D | |
| 21.02.050(k) | Revocable Permit, City Council Approval | R | | | D | |
| 21.02.050(l) | Rezoning | R | R | | D | |
| 21.02.050(m) | Special Dimensional Permit | R | R | | D | |
| 21.02.050(n) | Vacation of Plat [4] | R | D | | A | |
| 21.02.050(o) | Vacation of Public Right-of-Way or Easement | R | R | | D | |
| 21.02.050(p) | Variance | R | | | | D |
| 21.02.050(q) | Vested Property Rights | R | R | | D | |

Historic Preservation

| | | | | | | |
|-----------|----------------------------------|---|--|-----------|-----------|--|
| 21.02.060 | Historic Preservation Procedures | R | | R or D[4] | D or A[4] | |
|-----------|----------------------------------|---|--|-----------|-----------|--|

Notes:

[1] Administrative Changes as defined in GJMC 21.02.040(f).

[2] Revocable Permit for irrigation or landscaping.

[3] For a Vacation of Plat without public right-of-way or easement.

[4] For Certificate of Appropriateness, N. Seventh Street Historic District.

21.02.030 COMMONLY APPLICABLE PROCEDURES

The requirements described in this section are common to many of the procedures contained in this Code. Table 21.02-3 summarizes the common application procedures in this Code and identifies

whether they are required for the specific procedures defined in GJMC 21.02.050. Exceptions to these general rules apply and may be identified in the regulations for the specific procedures.

(a) Summary Table of Commonly Applicable Procedures

| Table 21.02-3: Summary Table of Commonly Applicable Procedures | | | | | | |
|---|--|--------------------|--------------------|-----------------------------|----------------------|-----------------------|
| * = Optional ✓ = Required Gray Box = Not Applicable | | | | | | |
| PDIM = Proposed Development Information Meeting | | | | | | |
| NCM = Neighborhood Comment Meeting | | | | | | |
| Section | Procedure | General Mtg | Pre-App Mtg | Applic. Outreach Mtg | Public Notice | Public Hearing |
| | Detailed requirements in GJMC: | 21.02.030(b)(1) | 21.02.030(b)(2) | 21.02.030(c) | 21.02.030(g) | |
| Administrative Permits | | | | | | |
| 21.02.040(c)(2)(i) | Change of Use Permit | | | | | |
| 21.02.040(b) | Fence Permit | | | | | |
| 21.02.040(c)(2)(ii) | Floodplain Development Permit | | | | | |
| 21.02.040(b) | Home Occupation Permit | | | | | |
| 21.02.040(b) | Planning Clearance and Building Permit | | | | | |
| 21.02.040(c)(2)(iii) | Sign Permit | | | | | |
| 21.02.040(b) | Temporary Use Permit | | | | | |
| Administrative Approvals | | | | | | |
| 21.02.040(d) | Administrative Adjustment | * | * | | | |
| 21.02.040(e) | Code Interpretation | | | | | |
| 21.02.040(f) | Comprehensive Plan Amendment, Administrative Changes [1] | * | * | | | |
| 21.02.040(l)(5) | Final Plat | * | * | | | |
| 21.02.040(g) | Group Living Processes | * | * | PDIM | | |
| 21.02.040(h) | Minor Plat Amendments | * | * | | | |
| 21.02.040(l)(4) | Preliminary Subdivision Plan | * | ✓ | PDIM [2] | | |
| 21.02.040(b) | Revocable Permit, Director approval [2] | * | * | | | |
| 21.02.040(i) | Sign Package | * | * | | | |

Chapter 21.02: Administration and Procedures

21.02.030. Commonly Applicable Procedures

21.02.030(a) Summary Table of Commonly Applicable Procedures

| Table 21.02-3: Summary Table of Commonly Applicable Procedures | | | | | | |
|---|--|--------------------|--------------------|-----------------------------|----------------------|-----------------------|
| * = Optional ✓ = Required Gray Box = Not Applicable | | | | | | |
| PDIM = Proposed Development Information Meeting | | | | | | |
| NCM = Neighborhood Comment Meeting | | | | | | |
| Section | Procedure | General Mtg | Pre-App Mtg | Applic. Outreach Mtg | Public Notice | Public Hearing |
| | Detailed requirements in GJMC: | 21.02.030(b)(1) | 21.02.030(b)(2) | 21.02.030(c) | 21.02.030(g) | |
| 21.02.040(j) | Simple Subdivision | * | * | | | |
| 21.02.040(k) | Site Plan (Major and Minor) | * | ✓ [1] | | | |
| Applications Requiring a Public Hearing | | | | | | |
| 21.02.050(c) | Annexation | * | * | NCM | ✓ | ✓ |
| 21.02.050(d) | Code Text Amendment | * | * | NCM | ✓ | ✓ |
| 21.02.050(e) | Comprehensive Plan Amendment (CPA), Non-Administrative | * | * | NCM | ✓ | ✓ |
| 21.02.050(f) | Conditional Use Permit (CUP) | * | * | NCM | ✓ | ✓ |
| 21.02.050(g) | Conditional Use and Special Dimensional Permit Amendment, Termination, or Revocation | * | * | NCM | ✓ | ✓ |
| 21.02.050(h) | Institutional and Civic Facility Master Plans | * | * | NCM | ✓ | ✓ |
| 21.02.050(i) | Planned Development | * | ✓ | NCM [4] | ✓ | ✓ |
| 21.02.050(j) | Rehearing and Appeal | * | * | | ✓ | ✓ |
| 21.02.050(k) | Revocable Permit, City Council Approval | * | * | | ✓ | ✓ |
| 21.02.050(l) | Rezoning | * | * | NCM | ✓ | ✓ |
| 21.02.050(m) | Special Dimensional Permit | * | * | NCM | ✓ | ✓ |
| 21.02.050(n) | Vacation of Plat | * | * | NCM | ✓[5] | ✓[5] |
| 21.02.050(o) | Vacation of Public Right-of-Way or Easement | * | * | NCM | ✓ | ✓ |
| 21.02.050(p) | Variance | * | * | NCM | ✓ | ✓ |
| 21.02.050(q) | Vested Property Rights | * | * | | ✓ | ✓ |

| Table 21.02-3: Summary Table of Commonly Applicable Procedures | | | | | | |
|---|----------------------------------|--------------------|--------------------|-----------------------------|----------------------|-----------------------|
| * = Optional ✓ = Required Gray Box = Not Applicable | | | | | | |
| PDIM = Proposed Development Information Meeting | | | | | | |
| NCM = Neighborhood Comment Meeting | | | | | | |
| Section | Procedure | General Mtg | Pre-App Mtg | Applic. Outreach Mtg | Public Notice | Public Hearing |
| | Detailed requirements in GJMC: | 21.02.030(b)(1) | 21.02.030(b)(2) | 21.02.030(c) | 21.02.030(g) | |
| Historic Preservation | | | | | | |
| 21.02.060 | Historic Preservation Procedures | * | * | | ✓ | ✓ |
| Notes: | | | | | | |
| [1] Major site plans only. | | | | | | |
| [2] PDIM, Major subdivision only. | | | | | | |
| [3] NCM required for Fraternity/Sorority, Group Living, and Rooming/Boarding House applications. | | | | | | |
| [4] Neighborhood Comment meetings are only required at the time of Outline Development Plan and a subsequent Neighborhood Comment or Proposed Development Information Meeting is not required for the associated Final Development Plan and Preliminary Subdivision Plan. | | | | | | |
| [5] Vacation of Plat with public right-of-way or easement. | | | | | | |

(b) General and Pre-Application Meetings

The purpose of General and Pre-Application Meetings is to provide an opportunity for the applicant and the City to discuss the development concept prior to the application submission for a project or permit.

(1) General Meeting

(i) Purpose

The purpose of a General Meeting is to allow an applicant to discuss a project concept with City staff to obtain general feedback and ideas.

(ii) Applicability

A General Meeting is optional for all development applications.

(iii) Procedure

- (A) Based on the level of detail and information provided, the staff will give direction on the merits, procedures, and issues on a proposed project.
- (B) A General Meeting is advisory only and does not constitute or effect approval of any aspect or item of an application.
- (C) Applicants that participate in a General Meeting may still participate in a Pre-Application Meeting.

(2) Pre-Application Meeting

(i) Purpose

The purpose of a Pre-Application Meeting is to:

- (A) Understand the proposed project and the applicant's specific objectives;
- (B) Identify applicant time goals such as property closing dates, construction starts, and operation dates;
- (C) Identify City approvals needed before any development starts;
- (D) Identify documents, plans, drawings, fees, and process other materials necessary for a complete application;
- (E) Identify significant issues; and
- (F) Begin to familiarize the applicant with City requirements and this Code.

(ii) Applicability

A Pre-Application Meeting is required for the following application types and optional for all other development applications:

- (A) Preliminary Subdivision Plan;
- (B) Major Site Plan; and
- (C) Planned Development.

(iii) Procedure

- (A) The Director shall inform the applicant what information the applicant must supply at the time of application submittal to begin the assessment of the project. The Director shall list the requirements and all relevant information in the applicant's project file.
- (B) Any information or discussions held at the Pre-Application Meeting shall not be binding on the City or the applicant. Discussions of potential conditions or commitments to mitigate impacts do not reflect actions by the decision-making body until and unless a decision-making body takes formal action to attach that condition or commitment to an approval.
- (C) The City is not responsible for making or keeping a summary of the general topics discussed at the Pre-Application Meeting.
- (D) Where a Pre-Application Meeting is required for a specific application type, the application shall be filed within one year of the meeting or a new meeting shall be required.

(c) Application Outreach Meetings

(1) Purpose

The purposes of Application Outreach Meetings are to:

- (i) Inform neighboring property owners of the details of a proposed development;
- (ii) Identify how the developer intends to meet the standards contained in this Code; and
- (iii) For specific application types, to allow the applicant to receive preliminary public comment on the proposal.

(2) Meeting Types

There are two types of Application Outreach Meetings:

- (i) A Neighborhood Comment Meeting (NCM) is held prior to a public hearing on an application. The purpose of an NCM is to allow the neighborhood to provide that applicant with feedback that may be relevant to improving the design of the project to address neighborhood concerns that may otherwise be raised at the public hearing.
- (ii) A Proposed Development Information Meeting (PDIM) is held to share information about a proposed project with the neighborhood. Attendees are invited to share comments but shall be informed that the standard of approval for the application is compliance with this Code and suggestions may not be incorporated.

(3) Applicability

- (i) An Application Outreach Meeting is required as indicated in Table 21.02-2 and is optional for all other applications.
- (ii) The Director may waive this step if the project will have little potential to create material negative impacts on the surrounding neighborhood. If the Director waives a required outreach meeting, the Director will provide the applicant a written explanation of the reasons why the meeting was waived for inclusion with the project application.

(4) Notice

- (i) The applicant shall provide written notice of the meeting type (NCM/PDIM), date, time, place, and subject of the meeting to the Director for approval at least 14 days before the meeting. This shall include all information required to access the meeting if conducted virtually.
- (ii) Once the notice has been approved, the Director will assist the applicant to identify all property owners and organized groups in the neighborhood or outreach area. The application shall:
 - (A) Mail the notice to every owner and group identified, as well as the Community Development Department.
 - (B) Provide courtesy electronic notice to any affected neighborhood organizations that request notification from the Community Development Department. A copy of the meeting notice shall be attached to the electronic notice to allow additional distribution within the organization.
 - (C) Post a copy of the notice in at least two locations in or within 1,000 feet of the outreach area that are open to the public, such as a community notice board in a grocery store or coffee shop.
 - (D) If the applicant or project has a website, post a copy of the notice on the website.
- (iii) The notice must be mailed/emailed no later than 10 calendar days prior to the meeting date.

- (iv) For purposes of this section, all properties located within a radius of 500 feet of any portion of the project are considered “the neighborhood.” Notice shall also be provided to organized groups that have registered with the City, such as a homeowners’ association, condominium association, neighborhood group, or any member’s lot or parcel within 1,000 feet of the project.
- (v) Community Development staff is not responsible for verifying or correcting email addresses provided by a neighborhood organization and failure of a neighborhood organization or individual member to receive notice does not affect the validity of the Application Outreach Meeting.

(5) Procedures

(i) Meeting Time and Procedure

- (A) The applicant must provide for and conduct either a physical or virtual meeting. Meetings must be held on a non-holiday, weekday evening beginning between 5:30 p.m. and 8:00 p.m.
- (B) A required Application Outreach Meeting must be held 180 days or fewer before the application is submitted.

(ii) Meeting Content and Conduct

- (A) At the meeting, the applicant shall present a concept plan, describe project impacts, describe ways to mitigate impacts, facilitate a discussion, and answer questions during the meeting.
- (B) The concept plan shall, at a minimum, delineate access to the site, internal circulation, the range of density of the entire property or the maximum intensity (square footage and stories for all buildings).
- (C) The meeting shall be conducted so that participants have an opportunity to ask questions and provide comments.
- (D) A member of City staff shall attend the meeting and be available to explain applicable Code requirements and, as needed, the project’s compliance with the Comprehensive Plan and any applicable adopted plan or ordinance.

(iii) Information Provided with Application

- (A) The following information shall be included with the application submittal:
 - a. A written list of names and addresses of those given notice, how notice was provided, and meeting participants.
 - b. A written summary of the meeting including all public comments.
- (B) The Director shall make, or instruct the applicant to make, the summary available to the meeting attendees and the public for inspection following the filing of a complete application.

(d) Application Submittal and Fees

(1) Application Requirements

- (i) Applications shall be submitted on the prescribed forms and according to the deadlines contained in the Submittal Standards for Improvements and Development (SSID) manual. The City may also make application forms available electronically.
- (ii) The Director may require additional information necessary to evaluate the application based on size, complexity, development timeline, or potential impacts of the project on the surrounding neighborhood or the City's transportation or utility systems.
- (iii) The Director may waive application submittal requirements of this Code in order to reduce the burden on the applicant and tailor the requirements to the information required to review a specific application. The applicant shall make a written request identifying the specific submission items to be waived and why, and the Director may waive the requirements on a finding of the following:
 - (A) The applicant shows good cause for the requested waiver;
 - (B) The project size, complexity, anticipated impacts, or other factors support a waiver;
 - (C) The waiver does not compromise a proper and complete review; and
 - (D) The information is not material to describing the proposal or demonstrating compliance with approval criteria.

(2) Fees

(i) Initial Application

The applicant shall pay all required application fees to the City in full before an application will be reviewed by the Director or scheduled for a public hearing. Application fees are generally nonrefundable.

(ii) Changes to Complete Applications

In addition to fees set forth in the City fee schedule, the following fees shall apply to actions taken on a complete application:

(A) Withdrawn Application

All fees are forfeited in the event the City has incurred any expense related to the application. If the application is refiled within 180 calendar days a resubmittal fee must be paid. The submission fee shall be paid again in full if the application is resubmitted after six months.

(B) Continuance of Application

Payment of fees may be required to cover the cost of additional notice.

(C) Reapplication

Payment of fees shall be required for a reapplication where a previous application has been denied.

(D) Modification or Revision of Approved Site Plan

a. Minor Modifications

An application for administrative relief and payment of the associated fee is required.

b. Major Modifications

Any requested modifications that do not qualify for administrative relief shall be considered major modifications. A new application is required along with the associated application fee.

(3) Who Can File an Application

Applications processed under this Code shall be submitted by one of the following unless otherwise specified in this Code:

- (i) The owner(s), or any other person having a recognized property interest in the land on which development is proposed within the City;
- (ii) A person authorized to submit the petition on behalf of the owner or other person having a recognized property interest in the land, as evidenced by a letter or document signed by the owner; or
- (iii) Planning Commission, City Council, or City staff may file an application for a Comprehensive Plan Amendment, Code Amendment, Planned Development, or a Rezoning.

(4) Determination of a Complete Application

- (i) A complete application is one that contains all of the information, materials, and fees required by subsections (1) and (2), above. On determining the application is complete, the Director shall accept the application for review in accordance with the procedures and standards of this Code. Incomplete applications will not be processed or reviewed by the City.
- (ii) If the application is deemed incomplete, the Director shall notify the applicant of the information or materials that are still needed to make the application complete.
 - (A) The applicant shall have 45 days to resubmit a completed application.
 - (B) If the applicant does not resubmit the application within 45 days, the application shall be considered abandoned. The City shall return the application to the applicant and take no further steps of review.

(e) Application Review

(1) Staff Review

An application shall be reviewed by City staff and other appropriate external agencies for compliance with applicable regulations, laws, and policies. Upon completion of staff review, the staff shall provide its comments in writing to the applicant.

(2) Review by Other Agencies

The staff shall forward copies of the applications to appropriate agencies for their comments. Examples of review agencies are:

- (i) City departments;
- (ii) Telecommunications, gas, electric and other utilities;
- (iii) Irrigation, drainage, water and sewage, sewer provider special districts;
- (iv) School and fire agencies;
- (v) Law enforcement;
- (vi) Mesa County staff, Planning Commission, or Board of Commissioners;
- (vii) State agencies (e.g., Colorado Geologic Survey, Colorado Department of Transportation, Colorado Department of Natural Resources, Colorado Division of Wildlife); and
- (viii) Federal agencies (e.g., Federal Emergency Management Agency, Bureau of Land Management, U.S. Army Corps of Engineers).

(3) Agency and Department Comments

External agency reviews will be advisory in character and do not constitute approval or disapproval. All comments shall be forwarded to the applicant for response.

(4) Applicant's Response

An application submitted to the City for review must be diligently pursued and processed by the applicant. Applicants shall have 90 days to resubmit revised documents to address comments from the City or the application shall be considered inactive and abandoned. The Director may grant two extensions to the resubmission deadline, not to exceed a total extension of 180 days.

(5) Review of Response

The Director shall determine if sufficient information has been provided to schedule an application for a hearing or approve, approve with conditions, or disapprove the application. If the application is insufficient the applicant shall be notified. The applicant shall be allowed additional resubmittals and responses, pursuant to the same timeframes as the original response, before the application is scheduled for a hearing or before the Director decides whether the application is complete.

(6) Final Report

The Director's written report and recommendations shall be made publicly available at least three calendar days before a public hearing.

(f) Complete Applications with Changed Status

(1) Withdrawn Application

(i) Prior to Public Notice

- (A) An applicant may withdraw an application by providing written notice to the Director of the applicant's intent to withdraw. After such withdrawal, no further City action on the application shall take place.
- (B) A rezone application may be withdrawn at any time prior to the publication of the legal advertisement for the first public hearing. A withdrawn rezone application may be refiled after a 120-day waiting period.
- (C) To re-initiate review, the applicant shall re-submit the application with a new application fee payment, and the application shall in all respects be treated as a new application for purposes of review and scheduling.

(ii) Following Public Notice

- (A) No application may be amended or modified after the legal advertising has been published.
- (B) After legal notice for the Planning Commission or Board of Adjustment has been published, a request for withdrawal shall be submitted in writing to the Director at least 24 hours prior to the first or only public hearing.
- (C) Once a Planning Commission meeting or hearing has been opened, the Planning Commission may allow withdrawal of an application by a majority vote of the members present.
- (D) After the Planning Commission hearing or for any application that is decided by the City Council without Planning Commission review, a request for withdrawal shall be submitted to the Director and may only be submitted by the property owner or authorized agent, as listed on the application. The City Council shall have exclusive authority to act on any request for withdrawal after notice of the public hearing has been published.

(2) Postponement

- (i) The applicant may request an application be postponed to a future scheduled public hearing date.
- (ii) A request submitted prior to public notice: shall be in writing, sent either by mail or email, and received by the Director prior to date of publication of the notice of public hearing.
- (iii) If a request is either submitted or received by the Director following publication of notice: The applicant must attend the public hearing to request the application be postponed to a future scheduled public hearing date.
- (iv) If the Director determines the applicant is not taking affirmative steps to advance a postponed application for a final determination or the applicant requests that an

application be postponed for a second time, the Director may declare the application terminated.

- (A) No further processing of such application shall occur and the application fees shall be forfeited.
- (B) Any re-submittal of the application shall be treated as a new application for purposes of review, scheduling, and payment of application fees.

(g) Public Notice and Public Hearing Requirements

(1) Purpose

Public hearings must comply with legal requirements for due process (the opportunity to be heard) and allow for community input.

(2) Applicability

- (i) Notice shall be provided as required by Table 21.02-4 and all costs to provide notice shall be paid by the applicant.
- (ii) The Director may determine based on the scope or nature of the project that additional notice shall be provided, which shall be done at the applicant’s cost.
- (iii) If a project requires action on several applications at the same hearing, the Director may provide for a single, combined notice.

(3) Public Notice

(i) Notice Required

- (A) Applications for development shall comply with the Colorado law and the provisions of this section with regard to public notification. The required notice for each application type is identified in Table 21.02-4. Application-specific notice requirements are located in the section for the specific application types.
- (B) No public notice under this section shall be made for incomplete applications or for applications requiring additional revisions and review. Applications that remain incomplete or requiring revision after the notice publishing, posting, or mailing deadline shall be removed from the applicable meeting agenda and placed on the next available meeting agenda.

(ii) Summary Table of Public Notice Requirements

| Table 21.02-4: Summary Table of Public Notice Requirements | | | | |
|--|-------------------------------|-------------------------|----------------------|--------------------|
| Date/Distance/Yes = Required Notice Gray Box = Not Applicable | | | | |
| Section | Procedure | Published Notice | Mailed Notice | Sign Notice |
| Administrative Permits | | | | |
| 21.02.040(c)(2)(i) | Change of Use Permit | | | |
| 21.02.040(b) | Fence Permit | | | |
| 21.02.040(c)(2)(ii) | Floodplain Development Permit | | | |

| Table 21.02-4: Summary Table of Public Notice Requirements | | | | |
|--|--|-------------------------|----------------------------|--------------------|
| Date/Distance/Yes = Required Notice Gray Box = Not Applicable | | | | |
| Section | Procedure | Published Notice | Mailed Notice | Sign Notice |
| 21.02.040(b) | Home Occupation Permit | | | |
| 21.02.040(b) | Planning Clearance and Building Permit | | | |
| 21.02.040(c)(2)(iii) | Sign Permit | | | |
| 21.02.040(b) | Temporary Use Permit | | | |
| Administrative Approvals | | | | |
| 21.02.040(d) | Administrative Adjustment | | | |
| 21.02.040(e) | Code Interpretation | | | |
| 21.02.040(f) | Comprehensive Plan Amendment, Administrative Changes [1] | 7 days | | |
| 21.02.040(l)(5) | Final Plat | | Owners w/in 500 feet | Yes |
| 21.02.040(g) | Group Living Processes | | | |
| 21.02.040(h) | Minor Plat Amendment | | | |
| 21.02.040(l)(4) | Preliminary Subdivision Plan | | Owners w/in 500 feet | Yes |
| 21.02.040(b) | Revocable Permit, Director approval [2] | | | |
| 21.02.040(i) | Sign Package | | | |
| 21.02.040(j) | Simple Subdivision | | Owners w/in 500 feet | Yes |
| 21.02.040(k) | Site Plan (Major and Minor) | | Owners w/in 500 feet | Yes |
| Applications Requiring a Public Hearing | | | | |
| 21.02.050(c) | Annexation | 7 days | Owners within 500 feet [1] | Yes |
| 21.02.050(d) | Code Text Amendment [2] or Rezoning | 7 days | Owners within 500 feet [1] | Yes |
| 21.02.050(e) | Comprehensive Plan Amendment (CPA), Non-Administrative [1] | 7 days | Owners within 500 feet | Yes |

Table 21.02-4: Summary Table of Public Notice Requirements
Date/Distance/Yes = Required Notice Gray Box = Not Applicable

| Section | Procedure | Published Notice | Mailed Notice | Sign Notice |
|------------------------------|--|----------------------------|------------------------|-------------|
| 21.02.050(f) | Conditional Use Permit (CUP) | 7 days | Owners within 500 feet | Yes |
| 21.02.050(g) | Conditional Use and Special Dimensional Permit Amendment, Termination, or Revocation | 7 days | Owners within 500 feet | Yes |
| 21.02.050(h) | Institutional and Civic Facility Master Plans | 7 days | Owners within 500 feet | Yes |
| 21.02.050(i) | Planned Development | 7 days | Owners within 500 feet | Yes |
| 21.02.050(j) | Rehearing and Appeal | [3] | [3] | [3] |
| 21.02.050(k) | Revocable Permit, City Council Approval | | | |
| 21.02.050(l) | Special Dimensional Permit | 7 days | Owners within 500 feet | Yes |
| 21.02.050(n) | Vacation of Plat [4] | 7 days | Owners within 500 feet | Yes |
| 21.02.050(o) | Vacation of Public Right-of-Way or Easement | 7 days | Owners within 500 feet | Yes |
| 21.02.050(p) | Variance | 7 days | Owners within 500 feet | Yes |
| 21.02.050(q) | Vested Property Rights | Within 10 days of approval | | |
| Historic Preservation | | | | |
| 21.02.060 | Historic Preservation Procedures | 7 days | | |

Notes:

[1] Mailed notice and sign posting is not required for CPA, Rezoning, or Annexation for requests relating to more than five percent of the area of the City and/or related to a Citywide or area plan process.

[2] Mailed and sign notice are not required for a Code Text Amendment.

[3] Notice of the appeal hearing shall be provided in the same manner as was required with the original action.

[4] Plats with rights-of-way or easements only.

(iii) Content

Required notices, whether by publication or written, shall meet the general requirements of notice provided by the City and provide the following information:

- (A) Address or location of the property subject to the application and the name, address, email, and telephone number of the applicant or the applicant's agent;
- (B) Date, time, and place of the public hearing;
- (C) Description of the nature, scope, and purpose of the application or proposal including a description of the development plan and, where appropriate, the classification or change sought;
- (D) Notification about where the public may view the application; and
- (E) State that the public may appear at the public hearing.
- (F) Contact information for arranging participation in the public hearings for individuals with hearing, speech, or vision impairment.

(iv) Agenda Notice

Agenda notice shall be posted and published on the City's website a minimum of 48 hours prior to a meeting.

(v) Published Notice

- (A) When required by Table 21.02-4, a notice including the information described in GJMC 21.02.030(g)(3)(iii) must be published at least once. The Director shall be responsible for giving notice.
- (B) In computing notice time, the day of the hearing shall be excluded.
- (C) The applicant shall either provide the information for the notice or pay the City to prepare the information.
- (D) All published notices shall be published in a local newspaper of general circulation recognized by the City. Based on the size, complexity, or potential impacts of a proposed application, the Director may require that courtesy notice be provided to other newspapers, radio, and television stations servicing the City for use as a public service announcement.

(vi) Mailed Notice

- (A) When required by Table 21.02-4, a notice including the information described in GJMC 21.02.030(g)(3)(iii) shall be sent by U.S. mail as provided in this section.
- (B) Notice shall be provided to:
 - a. Within the distance specified in Table 21.02-4, each owner and tenant at the address on file with the Mesa County, Colorado, Assessor;

- b. Each homeowners' association (HOA) or other group registered with the Community Development Department and located within 1,000 feet of the subject property; and
 - c. Each person who attended any required Application Outreach Meeting and signed-up to receive notice.
- (C) All mailed notices must be sent at least 10 days before a public hearing.
- (D) Failure of any individual addressee of such letter of notification to receive the same shall not in any way invalidate or affect subsequent action on the application and such requirement shall not be construed as a legal precedent to the official approval.
- (E) Mailed notice to property owners shall be required only for the initial presentation of the proposed development at a public hearing. Additional mailed notice shall not be required for any subsequent hearings except when the hearing is deferred or continued at the applicant's request. In that case, the applicant shall be responsible for paying any additional fees for the purposes of re-notifying adjacent property owners.

(vii) Property Sign

- (A) The City shall prepare and the applicant shall post signs including the information described in GJMC 21.02.030(g)(3)(iii) as follows:
- a. At least one sign shall be posted on each street frontage of the property.
 - b. Each sign shall be posted at least 10 calendar days before the initial public hearing and remain posted until the day after the final hearing.
- (B) The applicant shall maintain the sign on the property until the day after the final public hearing. If the decision-making body continues the meeting or public hearing at which the application is being considered to a later date, or if the decision-making body decides to consider the application at any time other than that specified on the notification signs, the Director shall update the existing signs with the new date.

(viii) Courtesy Notice

- (A) The City may, as a courtesy, provide notice to any persons or organization in the City or Mesa County, or to any governmental, public, or quasi-government organization regarding any matter related to this Code that may be of interest to of that person or organization, or on any matter on which any such person or organization has requested notice.
- (B) Courtesy notice may be provided in any appropriate manner, including electronically, and may be directed to an organization through its leadership for distribution rather than to the entire membership.

- (C) The failure of the City to send courtesy notice or the failure of any resident or property owner to receive such notice shall not affect the validity of any City action with respect to an application.

(ix) Five Percent Notice

Applications that are applicable to more than five percent of the area of the City and/or related to a Citywide or area plan process, such as Comprehensive Plan Amendments, some Rezonings, or zones of annexation, are not required to provide mailed or property sign notice.

(x) Constructive Notice and Substantial Compliance

- (A) Notice is sufficient if there is substantial compliance with the requirements of this section.
- (B) Minor defects in any notice shall not impair the notice or invalidate proceedings pursuant to the notice if a bona fide attempt has been made to comply with applicable notice requirements. Minor defects in notice may include, but are not limited to errors in legal descriptions, typographical or grammatical errors, or errors of actual acreage that do not impede communication of the notice to the affected parties.
- (C) Failure of one or more individual parties to receive written notice shall not invalidate subsequent action.
- (D) If questions arise at a review hearing regarding the adequacy of notice, the decision-making authority shall direct the Director to make a formal finding as to whether there was substantial compliance with the notice requirements of this Code, and such finding shall be made available to the decision-making authority prior to final action on the request.
- (E) When City records document the publication, mailing, or posting of notices as required by this section, it shall be presumed that notice of a public hearing was given as required by this section.

(4) Public Hearing

(i) Timing

The Director shall schedule an application for hearing only when all issues have been resolved or can be resolved through post-review procedures, and a determination of compliance with all codes and regulations is made.

(ii) Applicant's Option

An applicant has the right to request a hearing at any time during the review process.

(iii) Request for a Continuance Prior to Hearing

- (A) An applicant shall have the right to one continuance before the Planning Commission, Zoning Board of Appeals or City Council. A written request for the continuance shall be submitted to the Director by the applicant or their

representative at least three days before the hearing. A request for a continuance may also be made by the City staff, the Planning Commission, or City Council.

- (B) An applicant requesting a continuance shall make reasonable efforts to notify all persons previously advised of the hearing that a continuance has been requested. Reasonable efforts shall include, but not be limited to, personal notice, broadcast or print media notice and any other form of notice determined by the Director to be reasonable.
- (C) The review body may grant one continuance to a time, place, and date certain, without taking any testimony, except pertaining to the adequacy of the notice.

(iv) Conduct of Hearing

- (A) Any person may offer relevant information in writing or in person. Every speaker representing one or more other persons shall state their name, street address, and if an organization or group, the name and mailing address of the organization or group.
- (B) The Chair shall exclude testimony and evidence that is irrelevant, immaterial, unduly repetitious, or disruptive. Ordinarily no one presenting testimony or evidence may ask questions of other persons appearing as witnesses; although the chairperson of the body may ask questions suggested by a person presenting testimony. At any point, members of the body conducting the hearing may ask questions of the applicant, staff or public.
- (C) No person shall knowingly make a false statement nor present false, deceptive, or slanderous testimony, comment, or remarks at a public hearing.

(v) Continuance of Public Hearing

The decision-making body may grant a continuance of the public hearing.

(vi) Additional Rules

The decision-making body conducting the hearing may adopt rules of procedure to limit the number of applications to be considered per meeting, limit the time for each presentation or speaker or as provided by this section, temporarily hear and decide quasi-judicial hearings in accordance with the alternative hearing procedure, which are adopted by this reference and incorporated as if fully set forth.

(h) Recommendation and Decision

(1) Planning Commission as Recommending Body

If the Planning Commission is the recommending body, the Planning Commission shall review the application against applicable decision-making criteria and prepare a recommendation that shall be forwarded to the City Council. All recommendations, including recommendations of denial, shall be heard by the City Council without necessity of appeal.

(2) Approval Criteria

(i) Decision by Director

- (A) Where Table 21.02-2 indicates that the Director must make the decision on an application, the Director shall review and approve the application, approve it with conditions designed to bring the application into compliance with the specific requirements of this Code, or deny the application based on the application of the criteria specified for the application.
- (B) The decision shall be based on the information submitted with the application, comments from referral agencies, and any required approvals from other agencies.

(ii) Decision by Planning Commission, City Council, or Zoning Board of Appeals

- (A) Where Table 21.02-2 or another provision of this Code indicates that the Planning Commission, City Council, or Zoning Board of Appeals shall make the decision on an application, the decision-making body shall review and approve the application, approve it with conditions, or deny the application.
- (B) The decision-making body shall review the application against the applicable criteria and make decisions based on policies, standards, plans, recommendations, the applicable law, the testimony, and information presented at the hearing.
- (C) Where there has been a public hearing before the Planning Commission, hearings shall be de novo before the Council. An affirmative vote of five members of the City Council shall be required to approve rezones and Comprehensive Plan amendments recommended for denial by the Planning Commission. Procedural requirements provided elsewhere in this Code shall be applicable.

(iii) Conditions

- (A) A decision-making body, including the Director, this Code may impose conditions as needed to ensure that the approval is consistent with the purposes of the Comprehensive Plan and the general purpose of this Code stated in GJMC 21.01.050.
- (B) All conditions of approval shall be reasonably related to the anticipated impacts of the proposed use or development or shall be based upon standards duly adopted by the City prior to the review of an application. Conditions may include those necessary to carry out the purpose and intent of the Comprehensive Plan and this Code.
- (C) Discussions of potential conditions to mitigate impacts do not reflect actions by the decision-making body unless and until the decision-making body takes formal action to attach that condition to a development approval.
- (D) Any conditions that require an applicant to dedicate land or pay money to a public entity in an amount that is not calculated according to a principle

applicable to a broad class of applicants, any condition imposed shall include an individualized determination and shall be roughly proportional both in nature and extent to the anticipated impacts of the proposed development, as shown through an individualized determination of impacts.

(3) Development Improvements Agreement (DIA)

(i) Development Improvements Agreement Authorized

The Director may defer the requirement for the completion of required improvements if the applicant enters into a Development Improvements Agreement (DIA) by which the applicant agrees to complete all required public improvements in accordance with an agreed schedule. The Director may require the applicant to complete and dedicate some required public improvements prior to approval of the Final Plat and to enter into a DIA for completion of the remainder of the required improvements. The City Attorney shall approve any DIA as to form.

(ii) Agreement to Run with the Land

The Development Improvements Agreement shall provide that the requirements contained therein shall run with the land and bind all successors, heirs, and assignees of the applicant. The DIA for subdivisions shall be recorded with the Mesa County Clerk and Recorder. All other DIAs may, at the Director's discretion, be recorded or deposited with the City Clerk. All existing lien holders shall be required to subordinate their liens to the guarantees contained in the DIA.

(iii) Performance Security

- (A) Whenever the Director permits an applicant to enter into a Development Improvements Agreement, the applicant shall be required to provide sufficient security to ensure completion of the required public improvements. The security shall be in the form of a cash deposit made to the City, a letter of credit or disbursement agreement from an authorized financial institution, a subdivision bond, or a completed, unrecorded plat. The letter of credit, disbursement agreement, or subdivision bond shall be in a form approved by the City Attorney.
- (B) The guarantee shall be in an amount estimated by the Director as reflecting 120 percent of the cost of the improvements in the approved Construction Plan and shall be sufficient to cover all promises and conditions contained in the DIA.
- (C) In addition to all other security, when the City participates in the cost of an improvement, the applicant shall provide a performance bond from the contractor, with the City as a co-obligee.
- (D) The issuer of any guarantee shall be subject to the approval of the City in accordance with adopted policies.

(iv) Maintenance Guarantee for DIA

- (A) The applicant shall guarantee the improvements against defects in workmanship and materials for a period of one year from the date of City acceptance of such

improvements. The maintenance guarantee shall be secured by a letter of credit, cash escrow, maintenance bond, or other form acceptable to the Director.

- a. If the security is a letter of credit or cash escrow, then it shall be in an amount reflecting 20 percent of the cost of the completed improvements.
- b. If the form of security is a maintenance bond, it must be in a form acceptable to the City Attorney, in the principal amount of 20 percent of the value of the project's public improvements, for a period of one year from the date of final acceptance by the City of all improvements in the project, or as applicable, the phase or filing of a project for which improvements are constructed and accepted.
- c. If repairs, replacements, or modifications to the project's public improvements are made by the applicant or are required to be made by the City during the one-year maintenance period, then the City, at its sole option and discretion, may require an extension of the security in an amount equal to the actual or estimated repair, replacement, or modification costs plus 20 percent. If the Director has reason to believe that the security will be extended beyond the one-year initial term, then the Director shall notify the applicant in writing no later than 30 days before expiration of the security. Mailing of an extension notice shall cause the applicant to extend the security (bond, cash, or letter of credit) for an additional 12 months. The extension shall be on the same terms as the security being extended. The security may be extended for one additional year as may be necessary for the bond to be called or for the improvements to be repaired, modified, or replaced in a manner that satisfies the City. If the Director has reason to believe that the type or extent of the repair, replacement or modification does not warrant extension of the maintenance security, then the security may be released after the initial one-year period. In making the decision to extend the security the Director may consider any facts or information deemed relevant, which may include, but is not limited to, whether the failed improvements are above or below grade, whether the failed improvements may reasonably be found to constitute life, health and/or imminent safety hazard; whether other phases or filings depend on the improvements and/or the degree of failure of the improvements.

- (B) If the applicant has not warranted and guaranteed required improvements pursuant to a DIA, the applicant shall give the City security equal to at least 50 percent of the cost of the required improvements.

(v) Offers to Dedicate Streets, Roads, and Other Lands

(A) Acceptance of Dedication

The City Council, or its designees, may accept, accept with conditions, or reject any offer to dedicate any land or facility. Any offer to dedicate made pursuant to or as a condition of a review or approval pursuant to this Code constitutes the

owner irrevocable warranty that such owner has the right, title, and interest to convey to the City and that no hazardous or other regulated substance is present on, under or in the property.

(B) Acceptance of Maintenance

Approval of a subdivision does not mean the City will accept any road, street, or public site for maintenance. The City shall not be obligated to maintain any land unless it explicitly agrees to do so in writing.

(vi) Temporary Improvements

The Developer shall construct and pay for all costs of temporary improvements required by the City to protect the public, neighborhood, or another person. The applicant shall maintain said temporary improvements for the period specified.

(vii) Completion of Improvements

(A) Construction of Required Improvements

- a. Before construction begins, the developer must be familiar with the submittal, construction, plans and inspection requirements of each utility or agency.
- b. After the City and/or other utility providers has inspected and approved all or a portion of the required improvements, the developer may request, in writing, that the approved portion be accepted for maintenance by the appropriate agency. The City shall establish the developer's limits of responsibility for the improvements. The City may condition its acceptance and may require additional guarantees and assurances for at least one year following acceptance.
- c. Even if the City does not accept all or a portion of the required improvements, or delays any acceptance, the City may require the Developer to correct such defects or deficiencies identified by the City, in which case, final acceptance may be extended for one additional year.

(B) Release of Improvements Agreement and Guarantee

- a. The developer shall submit a written request for a release from the Development Improvements Agreement for the improvements that have been accepted for maintenance by the appropriate agency. Proof of acceptance for maintenance and proof that there are no outstanding judgments or liens against the property shall accompany this request.
- b. The City Council, or its authorized representative, shall review the request. If the requirements of the DIA concerning that portion requested for release have been complied with, the appropriate document of release shall be recorded with the Mesa County Clerk and Recorder's Office.
- c. Release of the DIA does not constitute a certificate of completion and release of responsibility.

(C) Certificate of Completion and Release of Responsibility

Upon expiration of the limits of responsibility established in this Code, the developer may request a certificate of completion and release of responsibility from the appropriate agency.

(viii) Extension of Development Improvements Agreement and Security

- (A) If the applicant is unable to complete all required improvements contained in an executed Development Improvements Agreement within the time stated therein, he/she shall provide written notice of same to the Director at least 30 calendar days prior to the deadline of the milestones he will be unable to meet. The applicant shall make a formal written request for an extension of the completion date for performance in the DIA and security and provide a revised development schedule, which shall be reviewed by the Director. The Director shall approve, approve with conditions or deny the request for an extension. Based on the Director's decision the existing DIA may be amended, a new DIA drawn up and executed, or the Director may exercise any default provisions contained in the approved DIA. Any amendments or new agreements shall be recorded in the same manner as the original DIA, if required by the Director.
- (B) If the DIA is to be extended or a new DIA is to be executed, the applicant shall provide sufficient security which may be the same as or greater than the original security, up to 120 percent, as was required with the original guarantee. No amendment or replacement DIA shall be executed, recorded or effective until security acceptable to the Director is provided.

(i) Post-Decision Actions

(1) Change in Ownership

Unless otherwise stated for a specific type of permit, application, or decision under this Code, or unless otherwise stated on the permit or approval document, permits, approvals, and approvals with conditions under this Code run with the land and are not affected by changes in ownership, tenancy, or the form of ownership or tenancy of the property. Subsequent owners and tenants of the property have the same rights and obligations with respect to the permit, approval, or decision as the initial applicant.

(2) Successive Applications

No application for Rezoning, Conditional Use Permit, or Variance on the same request nor one involving the same tract shall be permitted within one year of an application denial.

(3) Modifications of Approvals

After City approval or approval with conditions of an application under this Code, a property owner or holder of a permit or approval may apply for an Administrative Adjustment of the permit or approval under GJMC 21.02.040(c).

(4) Amendments

- (i) All substantial changes, modifications, removal, or release of the provisions of an approved application that do not qualify as Administrative Adjustments under GJMC 21.02.040(c) shall be considered amendments of the application. Amendments shall include, but are not limited to, changes in use, access, layout, any condition of approval, any change resulting in significant increased off-site impacts, and similar changes as determined by the Director.
- (ii) Proposed amendments shall be treated as new applications. If the proposed amendment is not consistent with an earlier, preliminary approval, the Director shall inform the applicant that a new application for the earlier approval will need to be submitted.
- (iii) The Director may require that an application for Administrative Adjustment to an approved application be treated as an application for amendment if the Director determines that the application raises a significant public controversy in which numerous parties other than the owner of the property may want to offer testimony.

(5) Effect of Modification or Amendment

If approved, the modification or amendment shall then supersede the previous approval, and subsequent development on the property shall be in accord with the amended approval.

(6) Rehearing and Appeal

Any aggrieved person, including the Director, may request a rehearing or file an appeal of final action under GJMC 21.02.050(j).

(j) Lapsing and Extension of Approvals

(1) Period of Validity

(i) Permit or Administrative Approval

An administrative permit or approval granted under this Code shall lapse and shall become void one year following the date of final approval unless, prior to the expiration date, construction is commenced and pursued toward completion. A different timeframe may be established during the approval of a permit or specific administrative approval.

(ii) Approval Requiring a Public Hearing

- (A) Except where a different timeframe is provided in a specific procedure or set by the decision-making body, the validity of any approval requiring a public hearing is two years.
- (B) A Rezoning, including rezoning to Planned Development, is not subject to expiration.

(2) Extension of Approval Term

(i) Extension Request

A request to extend any approval shall be submitted in writing to the Director prior to the expiration of the original approval.

(ii) Permit or Administrative Approval

(A) Unless otherwise stated in a permit or specific procedure for an administrative approval, the Director may extend the validity of the permit or approval for up to 180 more days if the applicant proves they can complete the project in conformance with currently adopted codes and policies.

(B) The Director may grant one extension of 12 months for a preliminary subdivision or unrecorded Final Plat, in accordance with GJMC 21.02.040(l)(5)(ii)(F)b.

(iii) Approval Requiring a Public Hearing

The decision-making body may extend any deadline if the applicant demonstrates why the original effective period or development phasing schedule was not sufficient and cannot be met. When deciding to extend or change any deadlines, the decision-making body shall consider if development regulations have materially changed so as to render the project inconsistent with the regulations prevailing at the time the extension would expire.

21.02.040 ADMINISTRATIVE APPLICATIONS

(a) Overview

Administrative applications are reviewed and decided on by the Director or other specified City staff member. The following application types are administrative and some of them have additional review requirements that are identified in the right column:

| Table 21.02-5: Administrative Applications | | |
|---|---|--|
| Application Type | Purpose | Additional Application Requirements |
| Administrative Permits | | |
| Change of Use Permit | Changes to use of structure or property | 21.02.040(c)(2)(i) |
| Fence Permit | Erect a fence or wall up to 6' in height | |
| Floodplain Development Permit | Construct structures or make changes within a floodplain | 21.02.040(c)(2)(ii) |
| Home Occupation Permit | Allow home occupations | |
| Planning Clearance and Building Permit | Establish, construct, modify, or expand a use or structure | |
| Revocable Permit, Director Approval | Allow limited use of public right-of-way for specific installations | |
| Sign Permit | Approve non-exempt signs | 21.02.040(c)(2)(iii) |
| Temporary Use Permit | Allow a temporary use that will last longer than 48 hours | |
| Administrative Approvals | | |
| Administrative Adjustment | Small change to specific regulations | 21.02.040(d) |
| Code Interpretation | Provide an interpretation of the contents and requirements of the Code | 21.02.040(e) |
| Comprehensive Plan, Administrative Changes | Allow minor changes to plan language and land use designations | 21.02.040(f) |
| Group Living Processes | Confirm requirements for group living facilities, rooming and boarding houses, fraternities, and sororities. | 21.02.040(g) |
| Minor Plat Amendments | Limited amendments to approved Final Plats | 21.02.040(h) |
| Revocable Permit, Director Approval | Review to ensure that any private development on public land is safely conducted in a manner that does not pose potential burdens on the public | |
| Sign Package | Allow review of multiple signs on a site that function as one | 21.02.040(i) |

| Application Type | Purpose | Additional Application Requirements |
|--|--|-------------------------------------|
| Simple Subdivision | Allow an applicant to create or consolidate lots, move lot lines, and correct plats. | 21.02.040(j) |
| Site Plan, Major and Minor | Review of proposed development for compliance with this Code and applicable plans and policies | 21.02.040(k) |
| Subdivision, Major (includes Preliminary Subdivision and Final Plat) | Review of proposed subdivisions of land that are not otherwise exempt | 21.02.040(l) |

(b) Common Procedures

(1) Review Procedures for Administrative Applications

Procedures for review and decision of administrative applications are established in GJMC 21.02.030. They are summarized here for applicant convenience.

Administrative Applications

| | Action | When Applicable | Described in Section |
|---|--|-------------------------|------------------------------|
| 1 | General Meeting or Pre-Application Meeting | Per Table 21.02-3 | 21.02.030(b) |
| 2 | Application Submittal & Review | All Applications | 21.02.030(d) 21.02.030(e) |
| 3 | Making changes to complete applications: Complete Applications with Changed Status | Individually, As Needed | 21.02.030(f) |
| 4 | Director Decision | All Applications | 21.02.030(h) |
| 5 | Post-Decision Actions | Individually, As Needed | 21.02.030(i) |

(2) Review Criteria for All Administrative Application Types

The decision-maker shall review each application against the following criteria. Individual application types may include exceptions to these criteria or impose additional criteria.

- (i) The application complies with all provisions of this Code;

- (ii) The application is consistent with the Comprehensive Plan;
- (iii) The application complies with any other approvals on the property
- (iv) The applications complies with or will comply with other City, state, and federal regulations;
- (v) The property is not subject to a pending notice of violation or legal action as a result of a violation of any federal, state, county, or city land use law or administrative rule.
- (vi) Public facilities and utilities shall be available concurrent with the development.

(3) Lapsing and Extension of Approvals

Administrative permits shall remain valid according to the following table unless otherwise specified in this section:

| Table 21.02-6: Administrative Permit Validity | |
|--|---------------------|
| Permit Type | Valid For: |
| Fence Permit | 180 days |
| Floodplain Development Permit | Per approved permit |
| Home Occupation Permit | N/A |
| Planning Clearance | 180 days |
| Revocable Permit, Director Approval | N/A |
| All Other Administrative Permits | One year |

(4) Applicability, Procedures, and Review Criteria for Specific Administrative Applications

The common procedures and review criteria for administrative applications apply unless otherwise specified in the specific application type in the following sections.

(c) Administrative Permits

(1) General Procedures

Follow GJMC 21.02.040(b).

(2) Specific Procedures

The following administrative permit applications have requirements in addition to the general procedures.

(i) Change of Use Permit

(A) Purpose and Applicability

A Change of Use Permit is required to change the use of a structure or property.

(B) Additional Permits

The following additional permits may be required with a Change of Use Permit:

- a. Other permits (such as a CUP), review (such as a Major or Minor Site Plan review) or approvals may also be required when use of a land or structure has changed.
- b. A change from any use in the Household Living use category to any other use requires a Site Plan review.
- c. A change of use from any nonresidential use to a residential use requires a Site Plan Review.
- d. For a change of use within the same principal use listing in Table 21.04-1: Principal Use Table (for example, a change from Retail Sales, Small use to another Retail Sales, Small use), a Change of Use Permit is not required unless:
 - 1. The Code requires more off-street parking for the new use than is available on the property;
 - 2. There is any actual or projected increase in traffic; or
 - 3. The amount of stormwater runoff or impervious area is increased.

| Common Procedures for Administrative Permits | |
|--|---|
| 1 | General Meeting or Pre-Application Meeting Per Table 21.02-3 |
| 2 | Application Submittal & Review Sec. 21.02.030(d) and 21.02.030(e) |
| 3 | Complete Applications with Changed Status Sec. 21.02.030(f) |
| 4 | Director Decision Sec. 21.02.030(h) |
| 5 | Post-Decision Actions Sec. 21.02.030(i) |

(ii) Floodplain Development Permit

(A) Applicability

No person shall construct or maintain any use or structure nor make any development or topographically alter land for any purpose including agriculture that may adversely impact the floodplain or floodway or within any area of special flood hazard (GJMC 21.06.020) unless the Director has issued a floodplain permit.

(B) Additional Approval Criteria

When base flood elevation data has not been provided in accordance with GJMC 21.06.020(c), the Director may use any flood elevation and floodway data available from a federal, state, or other source as criteria to decide how and if

construction, substantial improvements, or other development in the floodplain may be permitted.

(iii) Sign Permit

(A) Required

No person shall erect or display a nonexempt sign (see GJMC Chapter 21.10) unless the Director has issued a Sign Permit.

(B) Exceptions

- a. An on-premises temporary sign may be erected without a permit if done as referred to in GJMC 21.10.070(e).
- b. Touching up or repainting existing letters, symbols, or other non-electric sign features, is maintenance and does not require a permit.

(d) Administrative Adjustment

(1) Purpose

The purpose of an Administrative Adjustment is to allow for the modification of existing numeric dimensional standards to accommodate site-specific or minor construction issues.

(2) Applicability

- (i) Administrative Adjustments may be requested for the situations described in subsection (4) below.
- (ii) Administrative Adjustments may not be used to:
 - (A) Permit uses other than those permitted in the zone district, or
 - (B) Make any changes to sign standards.

(3) Review Procedures

Applications for Administrative Adjustment shall meet the common review procedures for administrative applications in GJMC 21.02.040(b), with the following modifications:

- (i) All applications for Administrative Adjustment shall identify the specific issue that the Administrative Adjustment is intended to address and how the Administrative Adjustment will resolve that issue:
 - (A) A request for Administrative Adjustment prior to issuance of a building permit shall be submitted with the project Site Plan or Planning Clearance application. Where the Site Plan is submitted in conjunction with a primary application, such as a Conditional Use Permit request, that is decided by the City Council, the request for Administrative Adjustment shall also be decided by that body. For example, if an Administrative Adjustment request is submitted with a Rezoning application, the City Council will also decide on the Administrative Adjustment.
 - (B) A request for Administrative Adjustment to address a minor construction issue shall be submitted with the approved project Site Plan, a written description of the minor construction issue, and an amended drawing of that part of the site for which the Administrative Adjustment is requested.
- (ii) The applicant is responsible for ensuring that the requested Administrative Adjustment does not conflict with any recorded covenants applicable to the property.

(4) Permitted Type and Scope of Administrative Adjustment

The Director may grant Administrative Adjustments up to the following maximum adjustment percentage, measurement, or location. No more than six distinct Administrative Adjustments may be approved for any development application; one type of adjustment may be applicable in more than one location, as specified by the Director.

Common Procedures for Administrative Applications

- 1** General Meeting or Pre-Application Meeting
Per Table 21.02-3
- 2** Application Submittal & Review | Sec. 21.02.030(d) and 21.02.030(e)
- 3** Complete Applications with Changed Status
Sec. 21.02.030(f)
- 4** Director Decision
Sec. 21.02.030(h)
- 5** Post-Decision Actions
Sec. 21.02.030(i)

(i) Residential and Public, Parks, and Open Space Zone Districts

(A) Height

a. Maximum Height

Up to five percent total increase in building height.

b. Fence Requirements

1. Height

Fences not located in a front yard may be increased by up to ten percent but no fence may be taller than eight feet.

2. Setbacks

Fences may encroach up to two feet into any required setback.

(B) Setbacks and Structure Placement

a. Required build-to line or setback – adjust forward across the build-to line or setback up to two feet; may not encroach into the public right-of-way.

b. Required build-to line minimum percentage built-to – reduction of up to five percent of required length.

(ii) Mixed-Use and Industrial Zone Districts

The Director may grant Administrative Adjustments that conform to the following requirements:

(A) Setbacks

a. Principal Structure

Modifications of the front, side, or rear yard setback requirement, provided that the total modification shall not reduce the applicable setbacks by more than 10 percent of those otherwise required in the zone.

b. Accessory Structure

Modification of the side or rear yard setback requirement, provided that the total modification shall not reduce the applicable setbacks by more than 30 percent of those otherwise required in the zone.

(B) Structure Heights

Modifications of the building or structure height requirement; provided, that the total modification shall not increase the applicable building or structure height by more than ten percent of the otherwise maximum height in the zone, nor add another habitable story or mezzanine.

(C) Fences

a. Height

Modifications of the maximum fence height requirement provided that the total modification shall not increase the applicable fence height by more than

10 percent of the otherwise maximum height in the zone or no more than eight feet tall, whichever is lower.

b. Setbacks

Fences may encroach up to five feet into any required setback.

c. Electric Fence

May be installed no more than one foot higher than the structural fence on which it is located.

(D) Parking

In any zone, a decrease in the number of required parking spaces of not more than 10 percent when total required spaces are at least 10 spaces.

(E) Deviations from Final Planned Development Maps.

In any planned development zone, adjustments of up to 10 percent of elements of final planned development maps that are:

- a. Made to a dimensional or development standard with a specific measurement, and
- b. Consistent with the requirements of the preliminary planned development, final planned development conditions of approval, or development standards of the underlying zone district.

(5) Review Criteria

The following additional review criteria shall apply to requests for specific types of Administrative Adjustments:

- (i) The proposed use, structure, or activity is permitted in the underlying zone district.
- (ii) There are special circumstances existing on the property for which the application is made related to size, shape, area, topography, surrounding conditions, and location that do not apply generally to other property in the same area and zone district; and
- (iii) The special circumstances have not been created by the applicant.

(e) Code Interpretation

(1) Applicability

- (i) The Director is authorized to provide a written interpretation of the contents and requirements of this Code.
- (ii) The Director is authorized to interpret the any use table to determine whether a use not specifically mentioned can reasonably be interpreted to fit into a use category.
- (iii) Interpretations may be requested for a provision of this Code subject to a proposed or current application, hearing, or appeal.
- (iv) Director may also provide a property-specific code interpretation in the form of a Code clarification that identifies whether specific regulations in this Code are applicable to the subject property.

Common Procedures for Administrative Applications

- 1** General Meeting or Pre-Application Meeting
Per Table 21.02-3
- 2** Application Submittal & Review | Sec. 21.02.030(d) and 21.02.030(e)
- 3** Complete Applications with Changed Status
Sec. 21.02.030(f)
- 4** Director Decision
Sec. 21.02.030(h)
- 5** Post-Decision Actions
Sec. 21.02.030(i)

(2) Authority

An interpretation may be requested by any:

- (i) Applicant,
- (ii) Person affected by an action proposed pursuant to this Code, or
- (iii) Any City departments or other governmental agencies that may be subject to the provisions of this Code.

(3) Review Procedures

- (i) Applications for Code Interpretation shall meet the common review procedures for administrative applications in GJMC 21.02.040(b).
- (ii) The Director may ask the Planning Commission at a regularly scheduled meeting to ratify any use interpretation decisions.

(f) Comprehensive Plan, Administrative Changes

(1) Purpose

To ensure that proposed amendments to the Comprehensive Plan are consistent with the vision, goals, and policies include in the Plan.

(2) Applicability

Where the City has sole jurisdiction, the Director has the authority to:

- (i) Make minor additions or clarifications to the policy sections; and
- (ii) Correct errors or grammar.

(3) Review Procedures

Applications for administrative changes to the Comprehensive Plan shall meet the common review procedures for administrative applications in GJMC 21.02.040(b).

Common Procedures for Administrative Applications

1 General Meeting or Pre-Application Meeting
Per Table 21.02-3

2 Application Submittal & Review | Sec. 21.02.030(d) and 21.02.030(e)

3 Complete Applications with Changed Status
Sec. 21.02.030(f)

4 Director Decision
Sec. 21.02.030(h)

5 Post-Decision Actions
Sec. 21.02.030(i)

(g) Group Living Processes

(1) Application Outreach Meeting

- (i) Prior to establishing a new group living facility, boarding or rooming house (including conversion of an existing building or buildings), fraternity, or sorority, the applicant shall hold a Project Development Information Meeting per GJMC 21.02.030(c), inviting owners of property within 1,000 feet of the proposed facility.
- (ii) At the meeting, the applicant shall describe the facility and its proposed uses.

(2) Application Review

- (i) The Director shall review and decide on applications for a group living facility that does not house sex offenders, boarding/rooming house, fraternity, or sorority based on GJMC 21.02.040.
- (ii) The Planning Commission shall review and decide on any application for a group living facility that houses one or more sex offenders, as defined by Colorado law.
 - (A) In addition to the other criteria provided in this subsection, the Planning Commission shall consider whether the proposed owner/operator has established by clear and convincing evidence that the facility will not adversely impact the neighborhood and/or its residents.
 - (B) An appeal from a Planning Commission decision made under this subsection shall be in accordance with Rule 106 of the Colorado Rules of Civil Procedure.

(3) Validity

- (i) A development approval for a group living facility, rooming/boarding house, fraternity, or sorority is valid for a period of 12 months, subject to renewal by the Director. When annual registration is required, renewal is made subject to valid annual registration.
- (ii) A group living facility development approval is specific to a maximum number of residents and specifically permitted accessory use(s). If the applicant wants to increase the number of residents or modify the specifically permitted accessory use(s), a new application is required.

(4) Annual Registration Required

(i) Fraternity or Sorority

(A) Application

- a. A fraternity or sorority shall register with the City once every 12 calendar months. No person shall own, operate, or manage a fraternity or sorority unless the facility is registered with the City. Annual registration shall include:
 - 1. Proof that the fraternity or sorority is recognized and in good standing with an accredited school, university, or college;
 - 2. Proof that the fraternity or sorority is affiliated and in good standing with a nationally or locally chartered fraternal membership organization;

3. Documentation that the fraternity or sorority has complied with the applicable City, state and other building, fire, health, and safety codes as well as all applicable requirements of the zone district in which the fraternity or sorority is located;
 4. Statement that the only administrative activities conducted on the premises are those of the fraternal organization sponsored, conducted, or related to the fraternity or sorority;
 5. Documentation that the fraternity or sorority complies with the applicable parking requirements, as demonstrated by accurate graphic depiction of parking lot(s), and/or copies of parking agreements, leases, or licenses;
 6. Documentation that the maximum number of residents allowed is not exceeded, as demonstrated by the total square feet of the living areas, the number of residents, the number of sleeping rooms and the number of beds; and
 7. The total number of calls for police or emergency services to the premises within the previous year.
- b.** A fraternity or sorority that does not meet the standards and registration requirements of this subsection is subject to revocation of land use permit, abatement, prosecution and/or other enforcement as provided in this Code.
 - c.** A fraternity or sorority is subject to and shall permit annual inspection by the Building Department, Fire Department and Code Enforcement Department to ensure compliance with applicable standards.

(B) Renewal

A development approval for a fraternity or sorority is valid for a period of 12 months, with renewal by the Director upon a review and confirmation of the facility's annual registration as described in GJMC 21.02.040(g)(4)(i)(A) above and a finding that:

- a.** The facility has not adversely affected the neighborhood. A facility is considered to have an adverse effect on a neighborhood if one or more of the following are shown:
- b.** Public and private services such as street, sewers, water and/or utility systems are burdened by the facility, to the extent that usage exceeds that normally associated with such a use or in the particular neighborhood;
- c.** The facility unreasonably interferes with the peace, quiet, and dignity of the neighborhood;
- d.** The facility creates, imposes, aggravates, or leads to inadequate, impractical, unsafe, or unhealthy conditions; or

- e. The facility is found to be dangerous or unsafe due to an increased number of police or emergency visits, or to a single criminal act by a resident involving serious bodily injury or extensive property damage, or to an increased number of incidences of criminal acts by residents of the facility involving bodily injury or property damage.
- f. Within 10 days of the Director's renewal, nonrenewal or condition of renewal, an individual aggrieved by the Director's decision may appeal the Director's decision to the Zoning Board of Appeals. Appeals shall be in writing and perfected in accordance with GJMC 21.02.030(i)(6).

(ii) Group Living Facility

(A) Application

- a. A group living facility shall register with the City once every 12 calendar months. No person shall own, operate, or manage any group living facility unless the facility is registered with the City.
- b. A group living facility for adult or juvenile offenders shall also submit all registration documentation to the juvenile and/or adult corrections board for review in accordance with subsection (6)(ii)(b) of this section.
- c. Annual registration shall include:
 - 1. Proof that the group living facility has a valid Colorado license, if any is required by state law, and documentation showing that the facility complies with the requirements of the state license. In the event there is a conflict between a City and a state requirement for the facility, the more stringent rule shall apply;
 - 2. Documentation showing that the group living facility has complied with the applicable City, state and other building, fire, health, and safety codes as well as all applicable requirements of the zone district in which the group living facility is located;
 - 3. Documentation showing that the group living facility complies with the parking requirements of this Code;
 - 4. Documentation showing that the maximum number of residents allowed is not exceeded;
 - 5. For a group living facility housing adult or juvenile offenders, all documentation necessary for review by the juvenile and/or adult corrections board(s) in accordance with subsection (p)(2)(iv)(B) of this section;
 - 6. Documentation showing that any and all conditions of the initial land use permit/approval are met;

7. Description of the administrative or other activities that occur at the facility, including number of staff and general duties of each staff member;
 8. Description and documentation of any changes to the site or structure(s) made since the prior registration.
- d.** A group living facility that fails to register or does not meet the registration requirements may be denied renewal, abated, prosecuted and/or otherwise subject to enforcement action under this Code.

(B) Renewal

- a.** The Director may renew the land use approval for a group living facility upon an annual registration of the facility if the Director finds that the registration requirements have been met and that the facility has not adversely affected the neighborhood.
- b.** A facility is considered to have an adverse effect on a neighborhood if one or more of the following are shown:
1. Public and private services such as street, sewers, water and/or utility systems are burdened by the group living facility, to the extent that usage exceeds that normally associated with such a use or in the particular neighborhood;
 2. The group living facility unreasonably interferes with the peace, quiet, and dignity of the neighborhood;
 3. The group living facility creates, imposes, aggravates, or leads to inadequate, impractical, unsafe, or unhealthy conditions; or
 4. The group living facility is found to be dangerous or unsafe due to an increased number of police or emergency visits, or to a single criminal act by a resident involving serious bodily injury or extensive property damage, or to an increased number of incidences of criminal acts by residents of the facility involving bodily injury or property damage.
- c.** When considering whether an adverse impact exists, the Director shall consider the following:
1. Whether the impact is real or perceived based upon stereotypes of the population served by the group living facility;
 2. The existence of alarms and/or fences in and of itself shall not constitute a safety issue which would be an adverse impact; or
 3. Whether complaints and/or police calls regarding the group living facility have been founded or unfounded.

- d. In determining whether an adverse impact exists, the Director may rely on comments received by the residents of the neighborhood or other interested persons in making the decision whether to renew, renew with conditions, or non-renew the permit upon annual registration. The Director shall not be required to research the comment or otherwise investigate the motive of the commenting parties unless the Director relies on that information when making the decision.
- e. The Director may modify the land use permit/approval upon renewal (or renew with conditions) by limiting the number of residents and/or by limiting accessory uses if the Director finds that the neighborhood is adversely impacted by the number of residents or intensity or number of accessory uses occurring on the site.
- f. The Director shall issue a decision within 30 days of receiving a complete registration application from the facility. If the Director does not issue a decision within 30 days of receiving a complete registration application, the registration shall be deemed renewed for the next year.

(C) Special Review for Group Living Facility for Adult or Juvenile Offenders

An application for a group living facility for adult or juvenile offenders shall be reviewed as follows:

- a. The Mesa County Juvenile Community Corrections Board shall conduct the review if the facility houses juvenile offenders or the Adult Community Corrections Board if the facility houses adult offenders. If the facility houses a combination of adult and juvenile offenders, the facility shall be reviewed by the Juvenile Board if there are a greater number of juveniles residing in the facility or, if there are a greater number of adults than juveniles residing in the facility, by the Adult Board.
- b. The review shall include but not necessarily be limited to criteria established by the applicable board and adopted by the City. Criteria shall be established and maintained by the applicable board and shall be based upon researched factors that have been demonstrated to be correlative to risk to the community, community expectations, prudent land use practices and legal standards. Before any criteria being used by either board, the City shall review and adopt such criteria.
- c. It is the responsibility of the group living facility that is being reviewed to provide the appropriate board with complete and accurate information regarding the types of offenders, the number of offenders, the average length of placements and responses to the other established criteria.
- d. The appropriate board shall make a recommendation to the Director to approve, deny, or approve with conditions the land use application for the facility. The appropriate board shall take into consideration the interests of

the community in light of the criteria established by the board and approved by the City.

(h) Minor Plat Amendment

(1) Purpose

The purpose of this section is to describe the approval procedure for minor amendments to approved plats.

(2) Applicability

The Director may approve minor amendments to approved plats, which shall be recorded and shall control over the preceding or Final Plat without vacation of that plat, if the amending plat is signed by the applicants only and the sole purpose of the amending plat is to:

- (i) Correct an error in a course or distance shown on the preceding plat;
- (ii) Add a course or distance that was omitted on the preceding plat;
- (iii) Correct an error in a real property description shown on the preceding plat;
- (iv) Indicate monuments set after the death, disability, or retirement from practice of the engineer or surveyor responsible for setting monuments;
- (v) Show the location or character of a monument that has been changed in location or character or that is shown incorrectly as to location or character on the preceding plat;
- (vi) Correct any other type of scrivener or clerical error or omission previously approved by the municipal authority responsible for approving plats, including lot numbers, acreage, street names, and identification of adjacent recorded plats;
- (vii) Correct an error in courses and distances of lot lines between two adjacent lots if:
 - (A) Both lot owners join in the application for amending the plat;
 - (B) Neither lot is abolished;
 - (C) The amendment does not attempt to remove recorded covenants or restrictions; and
 - (D) The amendment does not have a material adverse effect on the property rights of the owners in the plat;
- (viii) Relocate a lot line to eliminate an inadvertent encroachment of a building or other improvement on a lot line or easement; or
- (ix) Relocate or remove one or more lot lines between one or more adjacent lots if all of the following have been met:
 - (A) The owners of all those lots join in the application for amending the plat;

Common Procedures for Administrative Applications

- 1** General Meeting or Pre-Application Meeting Per Table 21.02-3
- 2** Application Submittal & Review | Sec. 21.02.030(d) and 21.02.030(e)
- 3** Complete Applications with Changed Status Sec. 21.02.030(f)
- 4** Director Decision Sec. 21.02.030(h)
- 5** Post-Decision Actions Sec. 21.02.030(i)

- (B) The amendment does not attempt to remove recorded covenants or restrictions;
and
- (C) The amendment does not increase the number of lots.

(3) Review Procedures

Applications for Minor Plat Amendment shall meet the common review procedures for administrative applications in GJMC 21.02.040(b), with the following modifications:

(i) Form of Approval

Minor Plat Amendments shall be prepared in the form of an affidavit or, where deemed necessary by the Director, a revised plat certified by a land surveyor licensed with the State of Colorado and shall be filed with the Mesa County Clerk and Recorder.

(ii) Review Criteria

The Director shall approve or deny a request for a Minor Plat Amendment based upon a finding that the adjustment to the previously approved Final Plat complies with the following criteria:

- (A) There is no increase the number of lots or parcels nor does the amendment create new lots or parcels;
- (B) The amendment does not affect a recorded easement without approval of the easement holder;
- (C) Street locations will not be changed; and
- (D) The amendment will not create any nonconformities or increase the degree of nonconformity of any existing structure, use, or development standards.

(4) Post-Approval Actions

- (i) If the request for a Minor Plat Amendment is denied, the applicant shall be entitled to request a major amendment to a previously approved Final Plat or a subdivision exemption, if applicable.
- (ii) If an application is approved, the applicant shall submit to the Director an amended plat of the affected lots for approval, containing signatures of all owners and mortgagees of the affected property.
- (iii) The plat shall be recorded within 90 days of the date of approval.

(i) Sign Package

(1) Purpose

The purpose of a sign package application is to allow the review and approval of signs that function as one on a developed site or abutting developed sites with the sharing of vehicular access through, across, over, entrance onto, and/or exit from the site and/or parking.

(2) Review Procedures

Applications for a Sign Package shall meet the common review procedures for administrative applications in GJMC 21.02.040(b), with the following modifications:

(i) Review Criteria

The following addition review criteria apply to a sign package application:

- (A) All signs included on the site shall be in conformance with the criteria set forth in GJMC 21.10.070.
- (B) The application of the sign package is not contrary to and better implements the goals and objectives of the Comprehensive Plan, including but not limited to applicable neighborhood plans, corridor plans, and other adopted plans.
- (C) The application of the Sign Package is not contrary to and better implements the goals and objectives of moderating the size and number of signs as well as the reduction of clutter and obtrusive placement of signs.

(ii) Post-Decision Actions

A Sign Package approval limits the characteristics of each sign within the Sign Package. Any increase in any sign characteristic must be reviewed and approved as a new Sign Package. Any changes to the Sign Package approval, including modification or termination, other than termination due to change of use on a site or termination of the shared access or parking, shall require the written consent of all landowners of each of the sites included within the approved Sign Package.

(iii) Lapsing and Extension of Approvals

A Sign Package does not expire as long as the Sign Package is established within 180 days of approval and as long as a use on a site has not changed and the site continues to share vehicular access through, across, over, entrance onto, and/or exit from the site and/or parking. All the parcels functioning as one shall be considered the site to which the Sign Package is applicable.

Common Procedures for Administrative Applications

1 General Meeting or Pre-Application Meeting
Per Table 21.02-3

2 Application Submittal & Review | Sec. 21.02.030(d) and 21.02.030(e)

3 Complete Applications with Changed Status
Sec. 21.02.030(f)

4 Director Decision
Sec. 21.02.030(h)

5 Post-Decision Actions
Sec. 21.02.030(i)

(j) Simple Subdivision

(1) Purpose

The Simple Subdivision process allows an applicant to create or consolidate lots, move lot lines, and correct plats.

(2) Applicability

This section shall apply to any application to:

- (i) Consolidate one or more lots;
- (ii) Create up to three additional lots where no new infrastructure is required except as provided in GJMC 21.02.040(j)(3)(i) below;
- (iii) Adjust a lot line(s) between parcels in the same ownership;
- (iv) Change a non-disputed boundary line between abutting lots or parcels; or
- (v) Change a plat to:
 - (A) Correct an error in the description;
 - (B) Correct any monument; or
 - (C) Correct a clerical error such as lot numbers, acreage, street names and identification of adjacent recorded plats.

(3) Review Procedures

Applications for a Simple Subdivision shall meet the common review procedures for administrative applications in GJMC 21.02.040(b) with the following modifications:

(i) Lots with Individual Septic Disposal Systems

An applicant may request a subdivision of existing parcels that are 25 acres or larger into three or fewer lots each of which are two acres or larger in size in Residential zone districts provided the resulting subdivision complies with the following criteria:

- (A) All lots comply with this Code; except that the minimum density/intensity requirements of a zone district or the Comprehensive Plan do not apply except in the R-R zone and the sewer regulations pertaining to the extension of sewer as a condition of subdivision need not be complied with if the applicant can demonstrate the following:
 - a. The applicant’s Colorado professional engineer affirms in writing that the lot can be served by an individual septic disposal system (ISDS) constructed at or prior to use of the lot for uses allowed by this Code then in existence;
 - b. The constructed ISDS system continues to function properly;

Common Procedures for Administrative Applications

- 1** General Meeting or Pre-Application Meeting
Per Table 21.02-3
- 2** Application Submittal & Review | Sec. 21.02.030(d) and 21.02.030(e)
- 3** Complete Applications with Changed Status
Sec. 21.02.030(f)
- 4** Director Decision
Sec. 21.02.030(h)
- 5** Post-Decision Actions
Sec. 21.02.030(i)

- c. Sewer is not constructed within 400 feet of any lot line of any lot or out lot or out parcel created under the minor exemption subdivision process; and
 - 1. The landowner executes a utility extension agreement in a form acceptable to the City. The utility extension agreement shall authorize the sewer to be extended by the City at a future date (all as provided herein) at the then landowner's expense and/or in accordance with financing provided by the City and/or the sewer system.
 - 2. The applicant is not seeking a variance or is seeking only to vary the requirement of extending sewer. No other variances shall be considered with a Simple Subdivision. Any other variances requested shall require the application be processed as a Major Subdivision;
 - 3. The proposed lot(s) is two acres or larger in size on a gross acreage basis and is created from a parcel at least 25 acres in size;
 - 4. The property from which the new lot(s) is proposed has been taxed agriculturally for the five years preceding the Simple Subdivision application; and
 - 5. The lot or originating parcel has not previously had a Minor Exemption Subdivision (2010 Code), Simple Subdivision, a Mesa County minor subdivision, and/or Mesa County simple land division approval.

(B) If the Minor Exemption Subdivision does not comply with the sewer regulations at the time of approval, then the approval shall be a conditional approval requiring the ISDS to be abandoned prior to the end of its useful life if a sewer is constructed either within 400 feet of the lot line of any lot or out lot or out parcel created under the Minor Exemption Subdivision process, or if the ISDS fails, or a sewer improvement district is formed that includes the lot created and any out lot or parcel.

(ii) Review Criteria

The Director shall review the application against the following additional criteria:

- (A) Any changes to existing easements or right-of-way have been completed in accordance with this Code or otherwise allowed by law (additional easements or right-of-way may be dedicated);
- (B) The right-of-way shown on the Grand Junction Circulation Plan is not changed;
- (C) If any part of the original parcel has an ISDS, the requirements of GJMC 21.02.040(j)(3)(i) are met; and
- (D) If a new lot(s) is being created, the total number of new lots on the property created through Simple Subdivision within the preceding 10 years does not exceed four.

(iii) Plat Notes

Approved Simple Subdivisions shall include the following plat notes, as applicable:

- (A) "Any additional lot splits are required to be processed through applicable City subdivision processes. The property shown hereon may not be further subdivided without approval of the City in accordance with then applicable law."
- (B) "In accordance with a Utility Extension Agreement the City may require any ISDS on the property to be abandoned prior to the end of its useful life if a sewer is constructed within 400 feet of the lot line of any lot created under the Minor Exemption Subdivision process or the ISDS fails or a sewer improvement district is formed that includes the lot."

(4) Post-Decision Actions

The final Simple Subdivision plat shall be recorded pursuant to GJMC 21.02.040(l)(5)(ii)(F)b.

(5) Lapsing and Extension of Approvals

A Simple Subdivision shall be recorded within two years of approval or it shall expire.

(6) Effect

Approval of a Simple Subdivision does not transfer property between the two affected property owners. The real estate transfer must be achieved through separate action by both property owners involved.

(k) Site Plan, Major and Minor

(1) Purpose

The purpose of this section is to determine if proposed development is in compliance with this Code, the Comprehensive Plan, adopted corridor guidelines, and other applicable regulations.

(2) Applicability

Site Plan review is required for all development applications except as provided in this section.

(i) Major Site Plan

Any proposed development that exceeds the criteria for a Minor Site Plan in subsection (ii) and that is not exempt in subsection (iii) is required to be reviewed through the Major Site Plan process.

(ii) Minor Site Plan

The following types of development require a Minor Site Plan:

- (A) A new, non-habitable structure of up to 1,000 gross square feet of water and sewer services are not provided and if no structures currently exist on the parcel;
- (B) An addition of up to 1,000 gross square feet to an existing structure, or a new structure of up to 1,000 square feet on a lot with one or more structures;
- (C) An existing unpaved parking lot or existing unpaved work area to be paved with asphalt or concrete;
- (D) Similar low-impact uses; and
- (E) A development that the Director determines does not require a Major Site Plan review when the development will not adversely affect the neighborhood and meets the purpose and intent of this Code.

(iii) Exempt Development Types

The following development types are exempt from the Site Plan review process:

- (A) A residential structure with one or two dwellings and associated accessory structures;
- (B) Nonresidential, interior remodeling which will cost 25 percent or less of the fair market value of the existing structure;
- (C) An approved home occupation;
- (D) An approved temporary use;
- (E) An approved fence or wall;

Common Procedures for Administrative Applications

1 General Meeting or Pre-Application Meeting
Per Table 21.02-3

2 Application Submittal & Review | Sec. 21.02.030(d) and 21.02.030(e)

3 Complete Applications with Changed Status
Sec. 21.02.030(f)

4 Director Decision
Sec. 21.02.030(h)

5 Post-Decision Actions
Sec. 21.02.030(i)

- (F) An approved sign;
- (G) Parking lot resurfacing, provided that the number of stalls is not reduced beyond the minimum required or, if legally nonconforming, in compliance with GJMC Chapter 21.12;
- (H) A temporary office trailer;
- (I) Enclosing outdoor courtyards within existing building envelopes;
- (J) Co-location of telecommunication tower;
- (K) Electric vehicle charging stations;
- (L) Public utility structures;
- (M) Unenclosed structures constructed over already impervious areas that do not require water/sewer; and
- (N) A development that the Director determines does not require a Minor Site Plan review when the development will not adversely affect the neighborhood and meets the purpose and intent of this Code.

(3) Post-Decision Actions

(i) Planning Clearance and Building Permit

Major Site Plan review shall be completed prior to issuance of a Planning Clearance and a Building Permit.

(ii) Construction Plans

(A) Purpose and Applicability

- a. The purpose of Construction Plans is to confirm the location, design, and composition of all improvements identified in an approved development application.
- b. Construction Plans are required for any Major Site Plan approval that necessitates the construction, reconstruction, or modification of new or existing improvements.

(B) Review Procedures

- a. When required, a completed Development Improvements Agreement (DIA) for any required public improvements, together with an acceptable financial guarantee, must be submitted with the construction drawings.
- b. Construction Plans shall be prepared in conformance with the approved Final Plat and the City's adopted standards for public improvements including those contained in this Code.
- c. As-built plans must be submitted to the Director prior to acceptance of public improvements for City maintenance.

(4) Lapsing and Extension of Approvals

Approved Major or Minor Site Plans shall remain valid for two years.

(l) Subdivision, Major

(1) Purpose

The purposes of the major subdivision review process are to:

- (i) Ensure conformance with the Comprehensive Plan and other adopted plans including all corridor design guidelines;
- (ii) Assist orderly, efficient, and integrated development;
- (iii) Promote the health, safety, and welfare of the residents of the City;
- (iv) Ensure conformance of land subdivision plans with the public improvement plans of the City, county and state;
- (v) Ensure coordination of the public improvement plans and programs of the several area governmental entities;
- (vi) Encourage well-planned and well-built subdivisions by establishing minimal standards for design and improvement;
- (vii) Improve land survey monuments and records by establishing minimal standards for survey and plats;
- (viii) Safeguard the interests of the public, the homeowner, and the subdivider;
- (ix) Secure equitable handling of all subdivision plans by providing uniform procedures and standards;
- (x) Ensure that pedestrian and bicycle paths and trails are extended in accordance with applicable City plans;
- (xi) Preserve natural vegetation and cover, and to promote the natural beauty of the City;
- (xii) Prevent and control erosion, sedimentation, and other pollution of surface and subsurface water;
- (xiii) Prevent flood damage to persons and properties;
- (xiv) Restrict building in areas poorly suited for building or construction;
- (xv) Prevent loss and injury from landslides, mudflows, and other geologic hazards;
- (xvi) Ensure adequate public facilities and services are available or will be available concurrent with the projected impacts of the subdivision; and
- (xvii) Ensure the proposal will not impose hardship or substantial inconvenience to nearby landowners or residents.

(2) Subdivision Required

No person shall record a plat of a subdivision nor prepare or execute any documents which purport to create or creates a new parcel or airspace unit, nor record or execute a deed of trust or a mortgage descriptive of the property other than all of a lot or parcel unless such plat, deed, deed of trust or mortgage has been approved by the City and unless it conforms to all of the provisions of this Code.

(3) Applicability

This section shall apply to all subdivisions that do not meet the criteria for a Simple Subdivision.

(4) Preliminary Subdivision Plan

(i) Review Procedures

Applications for a Preliminary Subdivision Plan shall meet the common review procedures for administrative applications in GJMC 21.02.040(b), with the following modifications:

(A) Application

In an effort expedite Final Plat approval, the applicant may provide more detailed information than is required for Preliminary Subdivision Plan review.

(B) Public Notice

Notice shall be provided as follows:

- a. Within five working days of receipt of a complete application, the Director shall give notice, at the applicant’s cost, by U.S. mail to each person shown as an owner within 500 feet and at the address by the County Assessor.
- b. The Director may require the applicant pay for additional notice, in any form, for any type of proposal if such notice will further the purpose or intent of this Code.

(C) Review Criteria

The Director shall review the application for Preliminary Subdivision Plan in light of the following additional criteria:

- a. Conformance with the Comprehensive Plan, Grand Junction Circulation Plan, and other adopted plans;
- b. Conformance with the standards and requirements of this Code and other City policies and regulations;
- c. The project will have little or no adverse or negative impact(s) upon the natural or social environment;
- d. Adequate public facilities and services will be available concurrent with the subdivision;

Common Procedures for Administrative Applications

1 General Meeting or Pre-Application Meeting Per Table 21.02-3

2 Application Submittal & Review | Sec. 21.02.030(d) and 21.02.030(e)

3 Complete Applications with Changed Status Sec. 21.02.030(f)

4 Director Decision Sec. 21.02.030(h)

5 Post-Decision Actions Sec. 21.02.030(i)

- e. Compatibility with existing and proposed development on adjacent properties;
- f. Adjacent agricultural property and land uses will not be harmed;
- g. Is neither piecemeal development nor premature development of agricultural land or other unique areas;
- h. There is adequate land to dedicate for provision of public services; and
- i. This project will not cause an undue burden on the City for maintenance or improvement of land and/or facilities.

(ii) Lapsing and Extension of Approvals

- (A) The applicant may propose a development phasing schedule at the time of application for a Preliminary Subdivision Plan for consideration by the Director.
- (B) In the absence of an approved phasing schedule, a Preliminary Subdivision Plan approval shall be valid for only two years, during which the applicant shall obtain Final Plat approval for all or a portion of the property.
- (C) If a part of the property in the Preliminary Subdivision Plan is Final Platted within two years, the Preliminary Subdivision Plan approval shall be automatically renewed for an additional one year following the recording of each Final Plat, unless the Director notifies the applicant, in writing, to the contrary.
- (D) The applicant shall plat the entire property included in the Preliminary Subdivision Plan within six years of the initial plan approval date. After six years, approval of unplatted portions of the Preliminary Subdivision Plan shall be considered void unless an extension is requested and approved by the decision-making body. One extension of 12 months may be granted by the Director so long as the Preliminary Subdivision Plan is consistent with the Comprehensive Plan and current zoning requirements. Additional extensions may be granted by the Planning Commission so long as the plan is consistent with the Comprehensive Plan and current zoning requirements.

(5) Final Plat

(i) Applicability

This section shall apply to all subdivisions that do not meet the criteria for a Simple Subdivision.

(ii) Review Procedures

Applications for a Final Plat shall meet the common review procedures for administrative applications in GJMC 21.02.040(b), with the following modifications:

(A) Portion of Preliminary Plan

A portion of the land area within the approved Preliminary Plan may be approved for platting.

(B) Common Interest Community

If the subdivision is a “common interest community” as defined in § 38-33.3-103(8) C.R.S., then the following shall apply:

- a. The applicant shall include a declaration pursuant to §§ 38-33.3-201, 38-33.3-205 and 38-33.3-209 C.R.S.;
- b. The applicant shall address the exercise of development rights pursuant to § 38-33.3-210 C.R.S.;
- c. The applicant shall include the association bylaws pursuant to § 38-33.3-306 C.R.S. as applicable; and
- d. An association shall be formed pursuant to § 38-33.3-301 C.R.S. and filed with the Colorado Secretary of State.

(C) Title Commitment

A title commitment no older than ten days shall be provided before the filing of the Final Plat for all of the platted property.

(D) Concurrent Processing

If a minor revision of a Preliminary Subdivision Plan is required, the review of the revised Preliminary Subdivision Plan may, at the discretion of the Director, proceed concurrently with Final Plat review.

(E) Review Criteria

The Director shall review the application for Final Plat in light of the following additional criteria:

- a. The decision criteria for a Preliminary Subdivision Plan set forth in GJMC 21.02.040(l)(4)(i)(C);
- b. The terms of the Preliminary Subdivision Plan approval and any conditions attached to the approval; and
- c. Any actions required to remedy existing or potential boundary line encroachments, including the relocation of fences or structures, prior to recording the Final Plat.

(F) Post-Decision Actions

a. Plat Revisions

If the Director approves the Final Plat, then the applicant’s surveyor or engineer shall then make any changes necessary or required to comply with final approval conditions. The form of final approval by the Director shall be the recording of the Final Plat.

b. Recordation

1. The Director shall record all Final Plats and related documents.

2. When all boundary line encroachments have been remedied, the Director shall proceed with recording as follows:
 - i. The original plat, together with any other required documentation such as, but not limited to, the following, shall be submitted for recording along with all necessary recording fees: a Mylar copy; improvements agreements; powers of attorney; easement or right-of-way dedications not shown on the plat; covenants; deeds conveying property to the homeowners' association; etc. The plat shall contain notarized signatures of each owner of the property, necessary engineer's and surveyor's signatures, and corporate seal, if required. All signatures and seals on the plat shall be in permanent black ink.
 - ii. The Director shall obtain the applicable signatures of public officials required on the plat. Upon review and payment of fees by the applicant, the Director shall record the plat at the office of the County Clerk and Recorder.
 - iii. Upon recording the plat, applications for Planning Clearances and Building Permits may be submitted in accordance with the provisions of this Code.

c. Guarantees for Public Improvement

1. Except as provided herein, before the plat is recorded by the Director, all applicants shall be required to complete, to the satisfaction of the Director, all street, sanitary, and other public improvements, as well as lot improvements on the individual lots of the subdivision or addition as required by this Code. The required improvements shall be those specified in the approved Construction Plans.
2. The plat shall not be recorded until the improvements have been completed or as a condition of Final Plat approval, the City shall require the applicant to enter into a Development Improvements Agreement and post a guarantee for the completion of all required improvements.

d. Construction Plans

Construction Plans shall be submitted and reviewed pursuant to GJMC 21.02.040(f).

(iii) Lapsing and Extension of Approvals

A Final Plat shall be recorded within two years of action by the Director or as directed in the approved development phasing schedule, subject to the extensions set forth in GJMC 21.02.040(l)(4)(ii). Final Plats that are not recorded within the appropriate timeframe shall be considered expired.

21.02.050 APPLICATIONS REQUIRING A PUBLIC HEARING

(a) Overview

Major development applications are reviewed and decided on by the Planning Commission or City Council. The following application types are major development applications:

| Table 21.02-7: Major Development Application Summary | | |
|--|---|--|
| Application Type | Purpose | Additional Application Requirements |
| Annexation | Expand the City's boundaries to include new land area or relocate the City's boundaries to remove existing land area | 21.02.050(c) |
| Code Text Amendment | Review requested amendments to the Code text | 21.02.050(d) |
| Comprehensive Plan Amendment, Non-Administrative | Review requested non-administrative amendments to the Comprehensive Plan or Circulation Plan. | 21.02.050(e) |
| Conditional Use Permit | Review a request to use a property for an activity that normally is not permitted within a zone district | 21.02.050(f) |
| Conditional Use and Special Dimensional Permit Amendment, Termination, or Revocation | Allow the post-approval review of Conditional Use Permits and Special Dimensional Permits for change or termination. | 21.02.050(g) |
| Institutional and Civic Facility Master Plans | Early review of major institutional and civic facilities that provide a needed service to the community | 21.02.050(h) |
| Planned Development | Allow the creation of developments with project-specific standards in situations where the development will provide a benefit to the community. | 21.02.050(i) |
| Rehearing and Appeal | Provide for a rehearing and appeal process for permits and approvals | 21.02.050(j) |
| Revocable Permit, City Council Approval | Review to ensure that any private development on public land is safely conducted in a manner that does not pose potential burdens on the public | 21.02.050(k) |
| Rezoning | Review requested amendments to the Zoning Map | 21.02.050(l) |
| Special Dimensional Permit | Provide an opportunity for additional dimensional flexibility in certain zone districts | 21.02.050(m) |
| Vacation of Plat | Process for the vacation of any plat that has not been developed, has been | 21.02.050(n) |

| Table 21.02-7: Major Development Application Summary | | |
|---|--|--|
| Application Type | Purpose | Additional Application Requirements |
| | partially developed, or has not been developed as approved | |
| Vacation of Public Right-of-Way or Easement | Process for the vacation of any street, alley, easement, or other public reservation | 21.02.050(o) |
| Variance | Process for consideration of variances from certain standards of this Code | 21.02.050(p) |
| Vested Property Right | Procedures to implement the statutory vested rights provisions | 21.02.050(q) |

(b) Common Procedures

(1) Review Procedures for Major Development Applications

Procedures for review and decision of major development applications are established in GJMC 21.02.030. They are summarized here for applicant convenience.

Major Development Applications

| | Action | When Applicable | Described in Section |
|----------|--|---|------------------------------|
| 1 | General Meeting or Pre-Application Meeting | Per Table 21.02-3 | 21.02.030(b) |
| 2 | Application Submittal & Review | All Applications | 21.02.030(d) 21.02.030(e) |
| 3 | Complete Applications with Changed Status | Individually, As Needed | 21.02.030(f) |
| 4 | Public Notice | Determined by Specific Application Type | 21.02.030(g) |
| 5 | Planning Commission Recommendation or Decision | Determined by Specific Application Type | 21.02.030(h) |
| 6 | City Council Decision | Determined by Specific Application Type | 21.02.030(h) |

Major Development Applications

| Action | When Applicable | Described in Section |
|--------------------------------|-------------------------|----------------------|
| 7 Post-Decision Actions | Individually, As Needed | 21.02.030(i) |

(2) Review Criteria for Major Development Application Types

The decision-maker shall review each application against the criteria described in the specific application type.

(c) Annexation

(1) Purpose

In accordance with state law, land may be annexed to, or de-annexed from, the City as determined by the City Council.

(2) Applicability

Any lands to be added to or deleted from the corporate limits of the City shall comply with this section.

(i) Waiver of Vested Rights

Any landowner requesting annexation shall waive in writing any preexisting vested property rights from other jurisdictions in the petition for annexation. An owner's written consent is considered sufficient to waive any prior vested property rights.

(ii) City-Initiated Annexations

Annexations of enclaves, property owned by the City or under lease to the City with an option to purchase, and property predominately containing a City-managed or -operated facility are exempt from Steps 1 through 3 of the common review procedures for major development applications.

(3) Review Procedures

Application requirements and processing procedures shall comply with those described in state law.

(4) Approval Criteria

The application shall meet all applicable statutory and City administrative requirements. The City Council shall use the following criteria when evaluating a request for annexation. Annexation is, however, a discretionary, legislative act. The City shall never be compelled to annex, unless otherwise required by state law, even if all these review criteria have been satisfied.

- (i) The annexation complies with the Municipal Annexation Act of 1965, as amended (§ 31-12-101 C.R.S., et seq.). Contiguity is presumed to satisfy the eligibility requirement of § 31-12-104 C.R.S.

- (ii) The proposed zoning is appropriate, based upon consideration of the following factors:
 - (A) The proposed zoning is consistent with the Comprehensive Plan designation of the property; and
 - (B) The proposed land uses are consistent with the purpose and intent of the proposed zone district.
- (iii) The annexation will not limit the ability to integrate surrounding land into the City or cause variances or exceptions to be granted if the adjacent land is annexed or developed.
- (iv) The landowner has waived in writing any preexisting vested property rights as a condition of such annexation.

(5) Review and Recommendation

The Director shall make recommendations to City Council.

(6) Decision by City Council

City Council shall approve, conditionally approve, or disapprove all applications for annexation or de-annexation of the municipal limits.

(7) Zoning of Annexed Areas

Land annexed to the City shall be zoned in accordance with GJMC 21.02.050(d) to a district that is consistent with the adopted Comprehensive Plan and the criteria set forth. Where a required density is not specified in the Comprehensive Plan, future development shall be at a density equal to or greater than the allowed density of the applicable County zone district.

(d) Code Text Amendment

(1) Purpose

The purpose of this section is to establish the procedure and requirements for requested amendments to the text of this Code.

(2) Authority to Initiate

Amendments to this Code may be proposed by property owners, the City, the Planning Commission, or City Council in order to:

- (i) Reflect trends in development or regulatory practices;
- (ii) Expand, modify, or add requirements for development in general or to address specific development issues;
- (iii) To add, modify or expand zone districts; or
- (iv) To clarify or modify procedures for processing development applications.

(3) Review Procedures

Applications for Code Text Amendment shall meet the common review procedures for major development applications in GJMC 21.02.050(b), with the following modifications:

(i) Application Information

An application for a Code Amendment shall address in writing the reasons for the proposed amendment.

(ii) Public Notice and Hearing Requirements

The application for either Code Text Amendment shall be scheduled for public hearings before the Planning Commission and City Council and shall be noticed pursuant to GJMC 21.02.030(g).

(iii) Review Criteria

An applicant for a Code Text Amendment has the burden of producing evidence that proves each of the following criteria:

(A) Consistency with Comprehensive Plan

The proposed Code Text Amendment is generally consistent with applicable provisions of the Comprehensive Plan.

(B) Consistency with Zoning and Development Code Standards

The proposed Code Text Amendment is consistent with and does not conflict with or contradict other provisions of this Code.

Common Procedures for Major Development Applications

- 1** General Meeting or Pre-Application Meeting
Sec. 21.02.030(b)
- 2** Application Submittal & Review
Sec. 21.02.030(d) and 21.02.030(e)
- 3** Complete Applications with Changed Status
Sec. 21.02.030(f)
- 4** Public Notice | Sec. 21.02.030(g)
- 5** Planning Commission Recommendation or Decision
Sec. 21.02.030(h)
- 6** City Council Decision
Sec. 21.02.030(h)
- 7** Post-Decision Actions
Sec. 21.02.030(i)

(C) Specific Reasons

The proposed Code Text Amendment shall meet at least one of the following specific reasons:

- a. To address trends in development or regulatory practices;
- b. To expand, modify, or add requirements for development in general or to address specific development issues;
- c. To add, modify or expand zone districts; or
- d. To clarify or modify procedures for processing development applications.

(4) Lapsing and Extension of Approvals

Approved Code Text Amendments do not expire.

(e) Comprehensive Plan Amendment, Non-Administrative

(1) Purpose

The purpose of this section is to ensure administrative changes and proposed amendments to the Comprehensive Plan are consistent with the vision, goals, and policies included in the Plan.

(2) Applicability

- (i) This section shall apply to all proposed amendments to or adoption of the text of the Comprehensive Plan. For purposes of this section, the Comprehensive Plan shall include all neighborhood plans, corridor plans, area plans, the Grand Junction Circulation Plan, and all other elements adopted as a part of the Comprehensive Plan.
- (ii) Any proposed development that is inconsistent with any goals or policies of the Comprehensive Plan shall first receive approval of a Comprehensive Plan Amendment.

(3) Jurisdiction Approvals

Changes to various areas of the Grand Junction Comprehensive Plan require different land use approvals:

- (i) Land use changes located within the City limits may be approved by the City and do not require County approval.
- (ii) Changes to land use designations inside the Persigo 201 Boundary (outside the City limits) require annexation and City approval and do not require County approval.
- (iii) Changes to land use designations outside of the Persigo 201 Boundary require County approval and do not require City approval.
- (iv) Changes to the Persigo 201 Service Area require approval by the Persigo Board, which is comprised of the County Commissioners and the City Council.
- (v) Each entity will have an opportunity to comment on proposed changes to the Comprehensive Plan prior to adoption of the amendment.

(4) Review Procedures

Applications for Comprehensive Plan Amendment shall meet the common review procedures for major development applications in GJMC 21.02.050(b), with the following modifications:

Common Procedures for Major Development Applications

- 1** General Meeting or Pre-Application Meeting
Sec. 21.02.030(b)
- 2** Application Submittal & Review
Sec. 21.02.030(d) and 21.02.030(e)
- 3** Complete Applications with Changed Status
Sec. 21.02.030(f)
- 4** Public Notice | Sec. 21.02.030(g)
- 5** Planning Commission Recommendation or Decision
Sec. 21.02.030(h)
- 6** City Council Decision
Sec. 21.02.030(h)
- 7** Post-Decision Actions
Sec. 21.02.030(i)

(i) Public Notice and Public Hearing Requirements

The application shall be scheduled for public hearings before the Planning Commission and City Council and shall be noticed pursuant to GJMC 21.02.030(g) unless the amendment meets the criteria for an administrative change.

(ii) Administrative Changes

Where the City has sole jurisdiction, the Director has the authority to approve Comprehensive Plan Amendment Applications pursuant to GJMC 21.02.040(f).

(iii) Review Criteria for Comprehensive Plan Amendments (Non-Administrative)

The Planning Commission and City Council shall review a Comprehensive Plan Amendment request in light of the following criteria:

- (A) The existing Comprehensive Plan and/or any related element thereof requires the proposed amendment; and
- (B) The community or area will derive benefits from the proposed amendment; and/or
- (C) The amendment will be consistent with the vision, goals, principles, and policies of the Comprehensive Plan and the elements thereof.

(iv) Review Criteria for Circulation Plan Amendments (Non-Administrative)

Unless otherwise specified in (a), above the Planning Commission and City Council shall review a Circulation Plan Amendment request in light of the following criteria:

- (A) There was an error such that then-existing facts, projects, or trends that were reasonably foreseeable were not accounted for; or
- (B) Subsequent events have invalidated the original premises and findings;
- (C) The character and/or condition of the area have changed enough that the amendment is acceptable;
- (D) The community or area, as defined by the presiding body, will derive benefits from the proposed amendment;
- (E) The change will facilitate safe and efficient access for all modes of transportation; and
- (F) The change furthers the goals for circulation and interconnectivity.

(v) Failure of Amendment

If an amendment request fails, any pending development application must be changed to be consistent with the plan.

(5) Lapsing and Extension of Approvals

An approved Comprehensive Plan or Circulation Plan Amendment does not expire.

(f) Conditional Use Permit (CUP)

(1) Purpose

The purpose of this section is to provide an opportunity for an applicant to request to use a property for an activity that normally is not permitted within a zone district because it could be detrimental to other permitted uses. A conditional use may be permitted under circumstances particular to the proposed location and subject to conditions that provide protection to adjacent land uses. A conditional use is not a use by right; it is one that is otherwise prohibited within a given zone district without approval of a Conditional Use Permit.

(2) Applicability

This section shall apply to any use that is classified as a Conditional Use in Table 21.04-1: Principal Use Table, Table 21.04-2: Accessory Use Table, or elsewhere in this Code.

(3) Review Procedures, General

Applications for Conditional Use Permits shall meet the common review procedures for major development applications in GJMC 21.02.050(b), with the following modifications:

- (i) Site plan review and approval (pursuant to GJMC 21.02.040(k)) can occur either before or after the approval of a Conditional Use Permit by the Planning Commission. In either case, the applicant shall submit a site sketch showing sufficient detail to enable the Planning Commission to make findings on the Conditional Use Permit criteria and showing all site design features which are proposed or necessary to mitigate neighborhood impacts and/or enhance neighborhood compatibility.
- (ii) The Planning Commission can request additional information from the applicant if it deems the site sketch is insufficient to enable it to make a determination on the criteria. In any subsequent site plan review, the Director shall ensure and determine that all mitigating/enhancing site features approved or made conditions of approval by the Planning Commission are depicted on the approved site plan.

(iii) Public Notice and Public Hearing Requirements

The application shall be scheduled for a public hearing before the Planning Commission and shall be noticed pursuant to GJMC 21.02.030(g), unless the application is for a minor expansion or change of a Conditional Use Permit in accordance with GJMC 21.02.050(f), below.

Common Procedures for Major Development Applications

- 1** General Meeting or Pre-Application Meeting
Sec. 21.02.030(b)
- 2** Application Submittal & Review
Sec. 21.02.030(d) and 21.02.030(e)
- 3** Complete Applications with Changed Status
Sec. 21.02.030(f)
- 4** Public Notice | Sec. 21.02.030(g)
- 5** Planning Commission Recommendation or Decision
Sec. 21.02.030(h)
- 6** City Council Decision
Sec. 21.02.030(h)
- 7** Post-Decision Actions
Sec. 21.02.030(i)

(iv) Review Criteria for Conditional Use Permits

The Planning Commission shall review and decide on a Conditional Use Permit request in light of the following criteria:

- (A) The proposed use is consistent with the Comprehensive Plan and the purpose of the applicable zone district.
- (B) The proposed use complies with the requirements of this Code, including any use-specific standards for the use in GJMC Chapter 21.04.
- (C) The proposed use is of a scale and design and in a location that is compatible with surrounding uses and potential adverse effects of the use will be mitigated to the maximum extent practicable.
- (D) The proposed conditional use will not substantially diminish the availability of land for principal uses within the applicable zone district.
- (E) The City's existing infrastructure and public improvements, including but not limited to its street, trail, and sidewalk systems, have adequate capacity to serve the proposed development.

(4) Review Procedures, Mining and Extraction

- (i) Commercial extraction of mineral deposits shall not begin or occur until an excavation and land reclamation plan have been approved in writing by the Colorado Mined Land Reclamation Board. A plan approved as part of a Conditional Use Permit and/or a reclamation/development schedule being followed under previous regulations fulfills this requirement.
- (ii) Asphalt, cement and/or other batch plant operations shall be subject to Conditional Use Permit requirements.
- (iii) Upon approval, the excavation and reclamation plans shall be filed with the City and recorded with the Mesa County Clerk and Recorder. Any change in excavation or reclamation plan shall be prohibited unless amended through the Conditional Use Permit process.
- (iv) If the development schedule is not met the Conditional Use Permit:
 - (A) May be revoked;
 - (B) The Director may grant a two-year extension per request;
 - (C) The Planning Commission shall have the power, after hearing, to revoke any Conditional Use Permit for any violation;
 - (D) Upon at least 10 days' written notice to the owner, the Planning Commission may hold a hearing to determine the nature and extent of the alleged violation, and shall have the power, upon showing of good cause, to revoke the permit and the plan and to require reclamation of the land;
 - (E) If not extended or revoked, a new application and extraction plan will need to be submitted and reviewed in the manner described in this subsection;

- (F) An extension request shall provide information in writing detailing the reasons for the request. The Director shall consider the stated reasons, as well as the extent conditions have changed in the area, if any, before granting an extension;
- (G) If a written request to extend the development schedule is submitted to the Director it shall include but not necessarily be limited to the factors and reasons for the requested extension. New conditions may be imposed as a part of the granting of an extension. New conditions, if any, may be appealed to the Planning Commission to be considered at a public hearing;
- (H) The Director may forward any extension request to the Planning Commission;
and
- (I) Extension requests will be evaluated by the Director and/or Planning Commission on the same basis and with the same information as per the Conditional Use Permit process.
- (v) If the use has not operated or if no material has been extracted in accordance with the development schedule or any extension of the development schedule, the Conditional Use Permit shall expire.

(5) Post-Decision Actions

(i) Major or Minor Change or Expansion

If the applicant proposes to change or expand a structure or other feature of a site that is subject to a Conditional Use Permit, the Director shall determine whether the expansion/change is major or minor as follows:

(A) Determination of Major or Minor Status

- a. A major expansion or change is one that:
 - 1. Affects, changes, removes, or eliminates a site feature or condition that was approved or imposed for the purpose of mitigating neighborhood impacts or enhancing neighborhood compatibility;
 - 2. Increases the intensity of the use, the off-site impacts such as noise, light or odor, or the hours of operation; and
 - 3. Results in a substantial change to the features shown on the site sketch which formed the basis of the Planning Commission's approval of the Conditional Use Permit.
- b. All other expansion/changes shall be considered minor.

(B) Application Process

- a. A major expansion/change shall be reviewed by the Planning Commission in accordance with the criteria for an original application for Conditional Use Permit.

- b.** A minor expansion/change shall be reviewed by the Director in accordance with the applicable site plan review criteria and conditions of the Conditional Use Permit.

(ii) Amendment, Revocation, or Termination

Conditional Use Permits may be amended, revoked, or terminated pursuant to GJMC 21.02.050(g).

(iii) Lapsing and Extension of Approvals

A Conditional Use Permit approval shall remain valid until the property changes use or the use is abandoned and nonoperational for a period of 12 consecutive months.

(g) Conditional Use and Special Dimensional Permit Amendment, Termination, or Revocation

(1) Purpose

This section is intended to allow the post-approval review of Conditional Use Permits and Special Dimensional Permits for amendment, termination, or revocation.

(2) Interested Party

Any interested party may apply to the City for the amendment, termination, or revocation of a Conditional Use or Special Dimensional Permit. For purposes of this section, "interested party" shall include the following:

- (i) The original applicant or successor in interest, or the current owner or lessee of the property for which the conditional use was granted (permit holder);
- (ii) The City; and
- (iii) Any owner or lessee of property that lies within 500 feet of the property for which the Conditional Use Permit was granted.

(3) Preliminary Criteria

An applicant for amendment, termination, or revocation of a Conditional Use or Special Dimensional Permit must establish the following to the satisfaction of the decision-maker before the requested change(s) can be considered by the decision-maker:

(i) Permit Holder

A Conditional Use or Special Dimensional Permit may be amended or terminated at the request of the permit holder as follows:

(A) Grounds for Amendment

The permit holder shall show that a substantial change in circumstance has occurred since the approval of the permit that would justify a change in the permit.

(B) Grounds for Termination

The permit holder shall show that the use is an allowed use in the zone district in which it is now established.

(ii) Other Interested Party

A Conditional Use or Special Dimensional Permit may be revoked at the request of any other interested party if one or more of the following is established:

Common Procedures for Major Development Applications

- 1** General Meeting or Pre-Application Meeting
Sec. 21.02.030(b)
- 2** Application Submittal & Review
Sec. 21.02.030(d) and 21.02.030(e)
- 3** Complete Applications with Changed Status
Sec. 21.02.030(f)
- 4** Public Notice | Sec. 21.02.030(g)
- 5** Planning Commission Recommendation or Decision
Sec. 21.02.030(h)
- 6** City Council Decision
Sec. 21.02.030(h)
- 7** Post-Decision Actions
Sec. 21.02.030(i)

- (A) The permit was obtained by misrepresentation or fraud;
- (B) The use, or, if more than one, all the uses, for which the permit was granted has ceased or has been suspended for six months;
- (C) The permit holder has failed to comply with any one or more of the conditions placed on the issuance of the permit;
- (D) The permit holder has failed to comply with one or more of the City regulation governing the conduct of that use;
- (E) The permit holder has failed to construct or maintain the approved site as shown on the approved Site Plan;
- (F) The operation of the use or the character of the site has been found to be a nuisance or a public nuisance by a court of competent jurisdiction in any civil or criminal proceeding.

(4) Due Process

- (i) No Conditional Use or Special Dimensional Permit shall be revoked without first giving the permit holder an opportunity to appear before the decision-maker and show cause as to why the permit should not be revoked.
- (ii) Revocation of the permit shall not limit the City's ability to initiate or complete other legal proceedings against the holder or user of the permit.

(5) Review Procedures

- (i) All applications for amendment, revocation, or termination of a Conditional Use or Special Dimensional Permit shall be processed in the same manner and based on the same review criteria as a new request for a Conditional Use or Special Dimensional Permit.
- (ii) Any person or entity, other than the City, seeking to amend, terminate, or revoke an approved Conditional Use or Special Dimensional Permit shall pay a fee in the amount established for an original application for a Conditional Use or Special Dimensional Permit.

(h) Institutional and Civic Facility Master Plans

(1) Purpose

The purpose of this section is to provide an opportunity for the early review of major institutional and civic facilities that provide a needed service to the community but might impact the surrounding community. The I&C Facility Master Plan review allows the City to assess any impacts early in the review process and direct the applicant about how best to address the impacts.

(2) Applicability

This section shall apply to any institutional and/or civic use when the use will include two or more buildings sharing common facilities on an undivided lot and the development will include any of the following:

- (i) Multiple phases of construction;
- (ii) 100,000 square feet in one or more buildings;
- (iii) Modification of the existing transportation circulation patterns; or
- (iv) When the Director deems the project and/or the City would benefit from such a review.

(3) Review Procedures

Applications for I&C Facility Master Plans shall meet the common review procedures for major development applications in GJMC 21.02.050(b) with the following modifications:

(i) Application Review

- (A) The review of an I&C Facility Master Plan shall precede, or be concurrent with, any other required review process.
- (B) The content of the I&C Facility Master Plan document shall be sufficient to generally assess the following:
 - a. Site access, traffic flow, pedestrian circulation/safety;
 - b. Adequate parking;
 - c. Location of open space and trails;
 - d. Drainage and stormwater management;
 - e. General building location and size; and

Common Procedures for Major Development Applications

- 1** General Meeting or Pre-Application Meeting
Sec. 21.02.030(b)
- 2** Application Submittal & Review
Sec. 21.02.030(d) and 21.02.030(e)
- 3** Complete Applications with Changed Status
Sec. 21.02.030(f)
- 4** Public Notice | Sec. 21.02.030(g)
- 5** Planning Commission Recommendation or Decision
Sec. 21.02.030(h)
- 6** City Council Decision
Sec. 21.02.030(h)
- 7** Post-Decision Actions
Sec. 21.02.030(i)

f. Adequate screening and buffering.

(ii) Public Notice and Hearing Requirements

The application shall be scheduled for public hearings before the Planning Commission and City Council and shall be noticed pursuant to GJMC 21.02.030(g).

(iii) Review Criteria

The Planning Commission and City Council shall review the application in light of the following criteria:

- (A) Conformance with the Comprehensive Plan and other area, corridor, or neighborhood plans;
- (B) Conformance with the Grand Junction Circulation Plan and general transportation planning requirements;
- (C) Conformance with the standards in this Code;
- (D) Consistency with prior approvals and conditions placed on the site; and
- (E) Community benefits from the proposal.

(4) Effect of Approval

- (i) Approved I&C Facility Master Plans shall be binding upon the property owner(s) and their successors, transferees, and assigns.
- (ii) No permit shall be issued for any building, structure, or use that does not conform to an approved I&C Facility Master Plan.
- (iii) No building, structure, use or other element of the approved master site plan shall be modified without amending the I&C Facility Master Plan.
- (iv) All buildings, structures and uses shall remain in conformance with the approved master site plan or be subject to enforcement action.
- (v) All phases of projects being developed shall be in conformance with the approved plan.

(5) Amendment

- (i) Amendments to the I&C Facility Master Plan may be proposed at any time through this process.
- (ii) An amended Master Plan is required if changes are proposed to any of the following:
 - (A) Site access,
 - (B) Traffic flow, or
 - (C) Pedestrian circulation/safety.

(6) Lapsing and Extension of Approvals

An I&C Facility Master Plan shall remain valid for a minimum of five years, unless otherwise established by the City Council.

(i) Planned Development

(1) Purpose

The planned development (PD) district is intended to apply to mixed-use or unique single use projects to provide design flexibility not available through strict application and interpretation of the standards established in this Code. Modifications to applicable base zone districts may be permitted as described in Chapter 21.03.0100 and the approved modifications are made applicable to the subject property through the PD rezoning process.

(2) Required Approvals

Planned Development applications are reviewed through a two-step process, both of which are described below:

- (i) Outline Development Plan
- (ii) Final Development Plan

(3) Outline Development Plan (ODP)

(i) Applicability

An outline development plan is required for all PD applications.

(ii) Purpose and Content

- (A) The purpose of an ODP is to demonstrate conformance with the Comprehensive Plan, identify applicable base zone districts and requested adjustment to applicable standards, and coordination of improvements within and among individually platted parcels, sections, or phases of a development prior to the approval of a Final Plat.
- (B) An ODP shall include a site plan that identifies the base zoning established for the entire property or for each phase designated for development.
- (C) An applicant may file an ODP with a Final Development Plan (FDP) for all or a portion of the property, as determined by the Director at the Pre-Application Meeting.

(iii) Review Procedures

Applications for ODP shall meet the common review procedures for major development applications in GJMC 21.02.050(b) with the following modifications:

- (A) Site plan review and approval (pursuant to GJMC 21.02.040(k)) can occur either before or after the approval of ODP by the City Council. In either case, the applicant shall submit a site sketch, as described in the Submittal Standards for Improvements and Development (SSID) manual, showing sufficient detail to enable the Planning Commission and City Council to review and make findings on the ODP review criteria.
- (B) The Planning Commission or City Council can request additional information from the applicant if it deems the site sketch is insufficient to enable it to make a

determination on the criteria. In any subsequent site plan review, the Director shall ensure and determine that all mitigating/enhancing site features approved or made conditions of approval by the City Council are depicted on the approved site plan.

- (C) An applicant may file an ODP with a final development plan for all or a portion of the property, as determined by the Director at the Pre-Application Meeting.

(iv) Public Notice and Public Hearing Requirements

The ODP application shall be scheduled for public hearings before the Planning Commission and City Council and shall be noticed pursuant to GJMC 21.02.030(g).

(v) Review Criteria for ODP

The Planning Commission shall review and recommend, and the City Council shall review and decide on an ODP based on demonstrated conformance with all of the following criteria:

- (A) The Comprehensive Plan, Grand Junction Circulation Plan and other adopted plans and policies;
- (B) The applicable corridor guidelines and other overlay districts in GJMC Titles 23, 24 and 25;
- (C) The rezoning criteria provided in GJMC 21.02.050(d);
- (D) The ODP meets the planned development requirements of GJMC 21.03.0100 and specifically shows the following:
 - a. Adequate public services and facilities shall be provided concurrent with the projected impacts of the development;
 - b. Adequate circulation and access shall be provided to serve all development pods/areas to be developed;
 - c. Appropriate screening and buffering of adjacent property, uses, and structures shall be provided;
 - d. An appropriate range of density for the entire property or for each development pod/area to be developed;
 - e. An appropriate set of base zone district standards for the entire property or for each development pod/area to be developed; and
 - f. An appropriate phasing or development schedule for the entire property or for each development pod/area to be developed.

(vi) Post-Decision Actions

(A) Modification or Amendment

The ODP amendment process is provided in GJMC 21.02.050(i)(5).

(B) Lapsing and Extension of Approvals

- a. The effective period of the ODP/phasing schedule shall be determined concurrently with ODP approval.
- b. The ODP/phasing schedule shall be subject to the validity provisions GJMC 21.02.050(i)(7).
- c. The ODP/phasing schedule may be extended by the City Council per GJMC 21.02.050(i)(8).

(4) Final Development Plan (FDP)

(i) Applicability

- (A) Following approval of an ODP, a subsequent final development plan approval shall be required before any development activity occurs. The plan and the plat ensure consistency with the approved ODP and specific development and construction requirements of various adopted codes.
- (B) Unless specified otherwise at the time of ODP approval, if the form of ODP approval was a subdivision plan, a Final Plat may be approved and recorded prior to FDP approval for individual lots.

(ii) Review Procedures

- (A) Applications for a Final Development Plan shall meet the common review procedures for administrative applications in GJMC 21.02.040(b), with the following modifications:
- (B) A portion of the land area within the approved ODP may be approved for FDP.

(iii) Public Notice and Public Hearing Requirements

Notice of a Final Development Plan is not required unless the Planning Commission elects to take final action. In such instances, notice shall be provided in the same manner and form as is required with an ODP.

(iv) Review Criteria

The Director, or the Planning Commission if applicable, shall review and decide on the application for FDP in light of the following additional criteria:

- (A) The approved ODP, if applicable;
- (B) The approved PD rezoning ordinance, if applicable;
- (C) The Submittal Standards for Improvements and Development, Transportation Engineering Design Standards (GJMC Title 29), and Stormwater Management Manual (GJMC Title 28) manuals and all other applicable development and construction codes, ordinances, and policies;
- (D) The applicable site plan review criteria in GJMC 21.02.040(k); and
- (E) The applicable Final Plat review criteria in GJMC 21.02.040(l)(5).

(v) Post-Decision Actions

(A) Improvements and Recordation

- a. The Final Plat shall be recorded pursuant to GJMC 21.02.040(l)(5)(ii)(F)b.
- b. Except as provided herein, before the plan and plat are recorded by the Director, all applicants shall be required to complete, to the satisfaction of the Director, all street, sanitary, and other public improvements, as well as lot improvements on the individual lots of the subdivision as required by this Code. The required improvements shall be those specified in the approved Construction Plans as per GJMC 21.05.020(c); or
- c. As a condition of final plan and plat approval, the City shall require the applicant to enter into a development improvements agreement and post a guarantee for the completion of all required improvements as per GJMC 21.05.020(c)(2).

(B) Contractual Agreement

- a. Approval of a PD allows the development and use of a parcel of land under certain, specific conditions. Conditions of approval shall be filed with the Director in the review process.
- b. No use of the parcel, nor construction, modification, or alteration of any use or structures within a PD project shall be permitted unless such construction, modification or use complies with the terms and conditions of an approved final development plan.
- c. Each subsequent owner and entity created by the developer, such as property owners' associations or an architectural review committee, shall comply with the terms and conditions of approval. The developer shall set forth the conditions of approval within covenants. Such covenants shall be recorded with the final approved plan and plat.

(C) Transfer of Ownership

No person shall sell, convey, or transfer ownership of any property or any portion thereof within a PD zone until such person has informed the buyer of the property's status with respect to the PD process and conditions of approval. The City shall bear no liability for misrepresentation of terms and conditions of an existing approval.

(D) Planned Development Zone Designation

The Director shall designate each approved PD on the Official Zoning Map.

(5) Amendment to Approved Plans

(i) Planned Development Rezoning Ordinance

The use, density, dimensional, and base zone district standards contained in an approved PD rezoning ordinance may be amended only as follows, unless specified otherwise in the rezoning ordinance:

- (A) No use may be established that is not permitted in the PD without amending the rezoning ordinance through the rezoning process. Uses may be transferred between development pods/areas to be developed through an amendment to the ODP provided the overall density for the entire PD is not exceeded;
- (B) The maximum and minimum density for the entire PD shall not be exceeded without amending the rezoning ordinance through the rezoning process. Density/intensity may be transferred between development pods/areas to be developed unless explicitly prohibited by the ODP approval; and
- (C) The dimensional and base zone district standards may not be amended for the PD or a development pod/area to be developed without amending the PD rezoning ordinance through the rezoning process.

(ii) Outline Development Plan

The approved Outline Development Plan may be amended only by the same process by which it was approved, except for minor amendments. Unless the adopted PD rezoning ordinance provides otherwise, the approved Outline Development Plan may be amended as follows:

(A) Minor Amendments

a. Permitted Amendments

The Director may approve the following amendments for individual lots within the area covered by an outline development plan provided all standards in the adopted PD rezoning ordinance are met:

- 1. Decreases in density so long as the character of the site is maintained;
- 2. Changes in dimensional standards of up to 10 percent so long as the character of the site is maintained;
- 3. Changes in the location and type of landscaping and/or screening so long as the character and intent of the original design are maintained;
- 4. Changes in the orientation or location of parking areas and vehicular and pedestrian circulation areas so long as the effectiveness and character of the overall site circulation, parking and parking lot screening are maintained;
- 5. The reorientation, but not complete relocation, of major structures so long as the character of the site is maintained; and
- 6. Simple subdivision.

b. Minor Amendment Review Process

Minor amendments shall be reviewed and decided on by the Director based on the review criteria that the amendment shall not represent a significant change in any of the agreed upon deviations from the default standards.

(B) Major Amendments.

All other amendments to the ODP shall be reviewed by the Director and Planning Commission using the same process and criteria used for ODP review and approval. Final decision shall be made by City Council.

(6) Planned Developments Approved Under Prior Codes

(i) Intent

The City's intent is to continue to allow the development PDs approved under prior codes, determining that they remain valid under this Code subject to the lapse provisions of GJMC 21.02.050(i)(7). To give effect to this intent, interpretation may be required to fully describe applicable terms and requirements and to avoid the continuance of shell PDs that cannot be fully implemented or developed.

(ii) Interpretation

PDs approved under prior codes shall be interpreted as follows:

- (A) Planned Developments that predate this Code shall be narrowly interpreted and are limited to the specified terms of approval.
- (B) Planned Developments that refer to zone districts not included in this Code shall be interpreted or applied according to the 2010 Code (or earlier) requirements.
- (C) If the Planned Development approval is silent as to a term or requirement, the most closely similar provision of this 2023 Code shall be applied. For example, if a Planned Development does not specify a process for amendment, the process for amending Planned Development approvals in GJMC 21.02.050(i)(5) will be used.
- (D) Where a base zone district(s) was not specified in the Planned Development approval, the Director shall interpret and apply a zone district(s) from this Code that most closely reflects the PD's dimensional and use standards.
- (E) Where this Code changes a generally applicable standard, such as updates to ADU or outdoor lighting standards, the updated generally applicable standards are also applicable to approved PDs unless the PD was approved with a specific standard(s) regulating the same topic.

(7) Lapse of Plan

If a single-phase Planned Development is less than 75 percent completed, as measured in terms of residential unit count or approved total mixed-use or nonresidential structure footprint, or a multiphase Planned Development is less than 75 percent complete in terms of residential unit count, total structure footprint, or total phases, as specified in the ODP approval, as of the end date of the approved development schedule, a lapse of the ODP as applied to the incomplete lots or parcels shall be deemed to have occurred.

- (i) If the PD was approved with base zone districts, future development may proceed in compliance with the requirements of the base zone districts and this Code, but any approved PD modifications shall be lapsed.
- (ii) If the PD was not approved with base zone districts, the Director may determine the appropriate base zone districts and future development may proceed in compliance with the requirements of the base zone districts.

(8) Development Schedule Extension

- (i) An applicant may request an extension of the development schedule as follows:
 - (A) The Director may extend the schedule one time for up to one year.
 - (B) The applicant may request a PD development schedule review from the City Council at any point prior to the end date of the schedule.
- (ii) The Director may extend the development schedule timeframe for up to three years in the event of any of the following:
 - (A) A national or regional economic recession,
 - (B) A national or regional health emergency, or
 - (C) National or regional events in or outside of the United States that impact the general price or availability of labor or materials by more than 20 percent.
- (iii) The maximum allowed cumulative extension period is five years. Any PD that has not been completed within this extension timeframe may be resubmitted as a new application or shall be subject to GJMC 21.02.050(i)(7), above.

(j) Rehearing and Appeal

(1) Purpose

The purpose of this section is to provide for a rehearing and appeal process for decisions and actions by the Director, Zoning Board of Appeals, Planning Commission, and City Council.

(2) Applicability

(i) Administrative Appeal

An Administrative Appeal shall include:

- (A) Any person, including any officer or agent of the City, aggrieved, or claimed to be aggrieved by an interpretation of this Code rendered by the Director; or
- (B) Any person, including any officer or agent of the City, aggrieved, or claimed to be aggrieved by a final action of the Director on an administrative application.

(ii) Non-Administrative Appeal

A Non-Administrative Appeal shall include any person, including any officer or agent of the City, aggrieved by or claimed to be aggrieved by a final decision of the Planning Commission.

(3) Review Procedure

Applications for Rehearing or Appeal shall meet the common review procedures for major development applications in GJMC 21.02.050(b), with the following modifications:

(i) Application Submittal

- (A) The application shall be submitted pursuant to GJMC 21.02.030(d) within 10 calendar days of the action taken or interpretation made by the decision maker.
- (B) The appellant shall provide a written statement with the application:
 - a. Citing the specific provision of this Code that the appellant believes the Director has incorrectly interpreted and the appellant's interpretation of the provision; or
 - b. Explaining the rationale of the appeal based on the criteria provided in GJMC 21.02.050(j)(3)(iii).
- (C) The Director shall:
 - a. Prepare a report detailing the specific provision of this Code that is in question, interpretation of the provision, and the general basis of the interpretation; or
 - b. Compile all material made a part of the official record of the decision-maker's action. As may be requested by the appellate body, the Director also may provide a summary report of the record.

- (D) If the appellant is not the applicant, the Director, within five working days of receipt of the request for appeal, shall notify the applicant of the request and the applicant shall have 10 working days to review the request and provide a written response.
- (E) For a Non-Administrative Appeal, the appellant shall submit evidence of their attendance at the original hearing or other testimony or correspondence from them that was in the official record at the time of the original hearing.

(ii) Public Notice and Hearing Requirements

(A) Administrative Appeal

- a. Notice of the hearing shall be provided to the applicant and is not required to be provided to anyone else.
- b. The appellate body shall hold a hearing pursuant to GJMC 21.02.030(g).
- c. At the hearing, the appellate body shall consider only that evidence that was before the Director at the time of the Director's final action.

(B) Non-Administrative Appeal

- a. Notice of the appeal hearing shall be provided in the same manner as was required with the original action.
- b. The Director shall schedule the appeal before the appellate body within 45 calendar days of receipt of the appeal. The appellate body shall hold a hearing pursuant to GJMC 21.02.030(g) and render a decision within 30 calendar days of the close of that hearing.
- c. At the hearing, the appellate body shall review the record of the decision-maker's action. No new evidence or testimony may be presented, except that City staff may be asked to interpret materials contained in the record.

(iii) Decision

The appellate body shall affirm, reverse, or remand the decision pursuant to GJMC 21.02.030(h) and the following criteria. In reversing or remanding the decision back to the decision-maker, the appellate body shall state the rationale for its decision. An affirmative vote of four members of the appellate body shall be required to reverse the decision-maker's action.

(A) Administrative Appeal

a. Director's Interpretation

In granting an appeal of a Director's interpretation, the Zoning Board of Appeals shall determine whether the interpretation by the Director was in accordance with the intent and requirements of this Code.

b. Director's Decision

The appellate body shall consider, based on the information in the record before the Director, whether the Director:

1. Acted in a manner inconsistent with the provisions of this Code or other applicable local, state, or federal law; or
2. Made erroneous findings of fact based on the evidence and testimony on the record; or
3. Failed to fully consider mitigating measures or revisions offered by the applicant that would have brought the proposed project into compliance; or
4. Acted arbitrarily, or capriciously.

(B) Non-Administrative Appeal

a. Findings

In granting a Non-Administrative Appeal the appellate body shall find:

1. The decision maker may have acted in a manner inconsistent with the provisions of this Code or other applicable local, state, or federal law; or
2. The decision maker may have made erroneous findings of fact based on the evidence and testimony on the record; or
3. The decision maker may have failed to fully consider mitigating measures or revisions offered by the applicant that would have brought the proposed project into compliance; or
4. The decision-maker may have acted arbitrarily, acted capriciously, and/or abused its discretion; or
5. In addition to one or more of the above findings, the appellate body shall find the appellant was present at the hearing during which the original decision was made or was otherwise on the official record concerning the development application.

b. Facts on Record

1. In considering a request for appeal, the appellate body shall consider only those facts, evidence, testimony, and witnesses that were part of the official record of the decision-maker's action. No new evidence or testimony may be considered, except City staff may be asked to interpret materials contained in the record.
2. If the appellate body finds that pertinent facts were not considered or made a part of the record, they shall remand the item back to the decision-maker for a rehearing and direct that such facts be included on the record.

(k) Revocable Permit

(1) Purpose

The purpose of this section is to ensure that any private development on public land is safely conducted in a manner that does not pose potential burdens on the public.

(2) Applicability

This section shall apply to the construction, maintenance, and use of public right of way for any structure, fence, sign, or other permanent object.

(3) Review Procedures

Applications for a Revocable Permit shall meet the common review procedures for administrative applications in GJMC 21.02.040(b), with the following modifications:

(i) Application Submission Requirements

The application complies with the submittal requirements as set forth in Section 127 of the City Charter, this section, and the Submittal Standards for Improvements and Development (SSID) manual.

(ii) Review Criteria

The application shall be reviewed against the following additional criteria:

- (A) There will be benefits derived by the community or area by granting the proposed Revocable Permit;
- (B) There is a community need for the private development use proposed for the City property;
- (C) The City property is suitable for the proposed uses and no other uses or conflicting uses are anticipated for the property;
- (D) The proposed use shall not negatively impact access, traffic circulation, neighborhood stability or character, sensitive areas such as floodplains or natural hazard areas; and
- (E) The proposed use is in conformance with and in furtherance of the implementation of the goals, objectives and policies of the Comprehensive Plan, other adopted plans and the policies, intents and requirements of this Code and other City policies.

(iii) Decision

- (A) A Revocable Permit for fences, irrigation, drainage infrastructure, or landscaping in a right-of-way shall be reviewed and decided on by the Director.

Common Procedures for Administrative Applications

- 1** General Meeting or Pre-Application Meeting
Sec. 21.02.030(b)
- 2** Application Submittal & Review | Sec. 21.02.030(d) and 21.02.030(e)
- 3** Complete Applications with Changed Status
Sec. 21.02.030(f)
- 4** Director Decision
Sec. 21.02.030(h)
- 5** Post-Decision Actions
Sec. 21.02.030(i)

(B) The City Council shall review and decide on all other applications for Revocable Permit.

(4) Lapsing and Extension of Approvals

A Revocable Permit shall remain valid pursuant to GJMC 21.02.030(j).

(l) Rezoning

(1) Purpose

The purpose of this section is to establish the procedure and requirements for requested amendments to the Zoning Map.

(2) Authority to Initiate

Amendments to the Zoning Map may be proposed by property owners, the City, the Planning Commission, or City Council in order to add, modify or expand zone districts.

(3) Review Procedures

Applications for Rezoning shall meet the common review procedures for major development applications in GJMC 21.02.050(b), with the following modifications:

(i) Public Notice and Hearing Requirements

- (A) The application for Rezoning shall be scheduled for public hearings before the Planning Commission and City Council and shall be noticed pursuant to GJMC 21.02.030(g).
- (B) The Planning Commission or City Council may add additional property to be considered for a Rezoning if such additional property is identified in the notice.

(ii) Review Criteria

An applicant for Rezoning has the burden of producing evidence that proves each of the following criteria:

(A) Consistency

The proposed zoning is generally consistent with applicable provisions of the Comprehensive Plan.

(B) Development Patterns

The proposed zoning will result in logical and orderly development pattern(s).

(C) Benefits

The community or area, as decided by the reviewing body, derives an overall benefit(s) from the proposed zoning.

(4) Lapsing and Extension of Approvals

Approved Rezonings do not expire.

Common Procedures for Major Development Applications

- 1** General Meeting or Pre-Application Meeting
Sec. 21.02.030(b)
- 2** Application Submittal & Review
Sec. 21.02.030(d) and 21.02.030(e)
- 3** Complete Applications with Changed Status
Sec. 21.02.030(f)
- 4** Public Notice | Sec. 21.02.030(g)
- 5** Planning Commission Recommendation or Decision
Sec. 21.02.030(h)
- 6** City Council Decision
Sec. 21.02.030(h)
- 7** Post-Decision Actions
Sec. 21.02.030(i)

(m) Special Dimensional Permit

(1) Purpose

The purpose of this section is to provide an opportunity for additional dimensional flexibility in certain zone districts when more flexibility is required beyond that afforded to the Director through the Administrative Adjustment process.

(2) Applicability

A Special Dimensional Permit may be requested in the following circumstances:

- (i) For development in those areas designated Neighborhood Center, Village Center, City Center (which includes Downtown) or Mixed-Use Opportunity Corridors on the Future Land Use Map of the Comprehensive Plan or in the C-1 and I-OR zone districts along Horizon Drive north of G Road including Crossroads Boulevard and Horizon Court to allow:
 - (A) Additional height beyond that permitted by a zone district's dimensional standards; or
 - (B) Additional building area beyond that permitted by a district's dimensional standards.
- (ii) In all zone districts for the following uses, and shall be required prior to an interim use located in any zone district where:
 - (A) The development is proposed as an interim use that is allowed in the district, or as an interim use established with a minimal investment that can be easily redeveloped at the density or intensity envisioned by the Comprehensive Plan; and
 - (B) The applicant demonstrates that the development design and any proposed infrastructure improvements further the future development of the property at the density or intensity envisioned by the Comprehensive Plan.
- (iii) Any other Special Dimensional Permit found elsewhere in this Code.

(3) Review Procedures

Applications for Special Dimensional Permit shall meet the common review procedures for major development applications in GJMC 21.02.050(b) with the following modifications:

Common Procedures for Major Development Applications

- 1** General Meeting or Pre-Application Meeting
Sec. 21.02.030(b)
- 2** Application Submittal & Review
Sec. 21.02.030(d) and 21.02.030(e)
- 3** Complete Applications with Changed Status
Sec. 21.02.030(f)
- 4** Public Notice | Sec. 21.02.030(g)
- 5** Planning Commission Recommendation or Decision
Sec. 21.02.030(h)
- 6** City Council Decision
Sec. 21.02.030(h)
- 7** Post-Decision Actions
Sec. 21.02.030(i)

(i) Public Notice and Hearing Requirements

The application shall be scheduled for public hearings before the Planning Commission and City Council and shall be noticed pursuant to GJMC 21.02.030(g).

(ii) Decision

(A) The Special Dimensional Permit review is accomplished through a City Council discretionary review process.

(B) A Special Dimensional Permit may be permitted under circumstances particular to the proposed location and subject to conditions that provide protection to adjacent land uses.

(4) Lapsing and Extension of Approvals

A Special Dimensional Permit does not expire unless otherwise limited by the City Council.

(n) Vacation of Plat

(1) Applicability

This section shall apply to the vacation of any plat that has not been developed, has been partially developed, or has not been developed as approved and does not include rights of ways or easements.

(2) Review Procedure

Applications for Vacation of Plat shall meet the common review procedures for major development applications in GJMC 21.02.050(b), with the following modifications:

(i) Public Notice and Public Hearing Requirements

The application shall be scheduled for a public hearing before the Planning Commission and shall be noticed pursuant to GJMC 21.02.030(g).

(ii) Review Criteria

The Director and the Planning Commission shall review the application in light of the following additional criteria:

- (A) The vacation is in conformance with the Comprehensive Plan, Grand Junction Circulation Plan, and other adopted plans and policies of the City;
- (B) No parcel shall be landlocked as a result of the vacation;
- (C) Access to any parcel shall not be restricted to the point that access is unreasonable, economically prohibitive, and/or reduces or devalues any property affected by the proposed vacation;
- (D) There shall be no adverse impacts on the health, safety, and/or welfare of the general community, and the quality of public facilities and services provided to any parcel of land shall not be reduced (e.g., police/fire protection and utility services); and
- (E) The provision of adequate public facilities and services to any property as required in GJMC 21.05.020 shall not be inhibited by the proposed vacation.

(3) Lapsing and Extension of Approvals

A Vacation Plat shall be recorded within two years of approval or it shall be considered expired.

Common Procedures for Major Development Applications

- 1** General Meeting or Pre-Application Meeting
Sec. 21.02.030(b)
- 2** Application Submittal & Review
Sec. 21.02.030(d) and 21.02.030(e)
- 3** Complete Applications with Changed Status
Sec. 21.02.030(f)
- 4** Public Notice | Sec. 21.02.030(g)
- 5** Planning Commission Recommendation or Decision
Sec. 21.02.030(h)
- 6** City Council Decision
Sec. 21.02.030(h)
- 7** Post-Decision Actions
Sec. 21.02.030(i)

(o) Vacation of Public Right-of-Way or Easement

(1) Applicability

This section shall apply to the vacation of any street, alley, easement, or other public reservation.

(2) Review Procedure

Applications for Vacation of Public Right-of-Way or Easement shall meet the common review procedures for major development applications in GJMC 21.02.050(b), with the following modifications:

(i) Public Notice and Public Hearing Requirements

The application shall be scheduled for public hearings before the Planning Commission and City Council and shall be noticed pursuant to GJMC 21.02.030(g), unless the request is for the vacation of an easement created for a temporary purpose, granted to the City by a separate instrument and not dedicated on a plat or map.

(ii) Public Vote

A public vote is not necessary for a vacation of a public right-of-way or easement. The process of vacating a public right-of-way or easement does not involve the sale of public property in accordance with Charter Article VI, Paragraph 48.

(iii) Review Criteria and Decision

- (A) The Director shall decide on any request for the vacation of an easement created for a temporary purpose, granted to the City by a separate instrument, and not dedicated on a plat or map.
- (B) The Planning Commission shall recommend to and the City Council shall decide on all other request in light of the following criteria:
 - a. The vacation is in conformance with the Comprehensive Plan, Grand Junction Circulation Plan, and other adopted plans and policies of the City;
 - b. No parcel shall be landlocked as a result of the vacation;
 - c. Access to any parcel shall not be restricted to the point where access is unreasonable, economically prohibitive, or reduces or devalues any property affected by the proposed vacation;

Common Procedures for Major Development Applications

- 1** General Meeting or Pre-Application Meeting
Sec. 21.02.030(b)
- 2** Application Submittal & Review
Sec. 21.02.030(d) and 21.02.030(e)
- 3** Complete Applications with Changed Status
Sec. 21.02.030(f)
- 4** Public Notice | Sec. 21.02.030(g)
- 5** Planning Commission Recommendation or Decision
Sec. 21.02.030(h)
- 6** City Council Decision
Sec. 21.02.030(h)
- 7** Post-Decision Actions
Sec. 21.02.030(i)

- d. There shall be no adverse impacts on the health, safety, and/or welfare of the general community, and the quality of public facilities and services provided to any parcel of land shall not be reduced, including, but not limited to, police and fire protection and utility services;
- e. The provision of adequate public facilities and services to any property as required in GJMC 21.05.020 shall not be inhibited by the proposed vacation; and
- f. The proposal shall not hinder public and City functions.

(C) Vacation of a right-of-way shall be accomplished by the passing of an ordinance by the City Council. Vacation of an easement shall be accomplished by resolution of the City Council.

(3) Post-Decision Actions

The final ordinance or resolution establishing the vacation shall be recorded pursuant to GJMC 21.02.040(l)(5)(ii)(F)b.

(4) Lapsing and Extension of Approvals

A resolution or an ordinance for a Vacation of Public Right-of-Way or Easement shall not expire.

(p) Variance

(1) Purpose

The purpose of this section is to provide a process for consideration of variances from certain standards of this Code.

(2) Applicability

- (i) A variance may be requested for a departure from bulk standards, performance or use-specific standards of GJMC Chapter 21.04, all overlay district regulations of GJMC 21.03.090, 21.06.010, and 21.02.060, excluding corridor overlay districts, and the sign regulations of GJMC Chapter 21.10.
- (ii) Variances are not permitted for:
 - (A) The establishment or expansion of a use in a district in which the use is not permitted by this Code;
 - (B) Residential development that would result in an increase in density greater than that permitted in the applicable zone district; and
 - (C) Changes or modifications to any definition contained in this Code.

(3) Review Procedure

Applications for Variance shall meet the common review procedures for major development applications in GJMC 21.02.050(b), with the following modifications:

(i) Public Notice and Public Hearing Requirements

The application shall be scheduled for a public hearing before the Zoning Board of Appeals or Planning Commission and shall be noticed pursuant to GJMC 21.02.030(g).

(ii) Decision-Maker

- (A) Zoning Board of Appeals shall hear requests for variance from:
 - a. Bulk or dimensional standards in the individual zone districts,
 - b. Performance or use-specific standards of GJMC Chapter 21.04,
 - c. All overlay district regulations of GJMC 21.03.090, 21.06.010, and 21.02.060 excluding corridor overlay districts, and
 - d. Sign regulations of GJMC Chapter 21.10.

Common Procedures for Major Development Applications

- 1** General Meeting or Pre-Application Meeting
Sec. 21.02.030(b)
- 2** Application Submittal & Review
Sec. 21.02.030(d) and 21.02.030(e)
- 3** Complete Applications with Changed Status
Sec. 21.02.030(f)
- 4** Public Notice | Sec. 21.02.030(g)
- 5** Planning Commission Recommendation or Decision
Sec. 21.02.030(h)
- 6** City Council Decision
Sec. 21.02.030(h)
- 7** Post-Decision Actions
Sec. 21.02.030(i)

- (B) The Planning Commission shall hear and decide requests for variances to all other standards, unless otherwise specified.

(iii) Review Criteria

The Zoning Board of Appeals or Planning Commission shall review the application in light of the following:

- (A) There are exceptional conditions creating an undue hardship, applicable only to the property involved or the intended use thereof, which do not apply generally to the other land areas or uses within the same zone district, and such exceptional conditions or undue hardship was not created by the action or inaction of the applicant or owner of the property;
- (B) The Variance shall not confer on the applicant any special privilege that is denied to other lands or structures in the same zone district;
- (C) The literal interpretation of the provisions of the regulations would deprive the applicant of rights commonly enjoyed by other properties in the same zone district and would cause unnecessary and undue hardship on the applicant;
- (D) The applicant and the owner of the property cannot derive a reasonable use of the property without the requested Variance;
- (E) The Variance is the minimum necessary to make possible the reasonable use of land or structures;
- (F) The granting of a Variance shall not conflict with the purposes and intents expressed or implied in this Code; and
- (G) The granting of a Variance shall not conflict with the goals, policies, and guiding principles of the Comprehensive Plan.

(q) Vested Property Rights

(1) Purpose

The purpose of this section is to provide the procedures necessary to implement the provisions of § 24-68-101 C.R.S., et seq. and § 29-20-101 C.R.S., et seq.

(2) Definitions

The following definitions are for the purposes of administration of this section only and do not apply to any other sections of this Code.

- (i) "Site-specific development plan" (SSDP) means, for all developments requiring a public hearing, the final step, irrespective of its title, which occurs prior to building permit application; provided, however, that if the landowner wishes said approval to have the effect of creating vested rights, pursuant to § 24-68-101 C.R.S., et seq., the landowner must so request, in writing, at the time of application for said approval. Failure to so request renders the approval not a "site-specific development plan," and no vested rights shall be deemed to have been created.
- (ii) "Vested property right" means the right to undertake and complete the development and use of property under the terms and conditions of a site-specific development plan.

(3) Limitations

Nothing in this section is intended to create any vested property right, but only to implement the provisions of § 24-68-101 C.R.S., et seq. and § 29-20-101 C.R.S., et seq. In the event of the repeal of § 24-68-101 C.R.S., et seq. and § 29-20-101 C.R.S., et seq. or a judicial determination that these statutory provisions are invalid or unconstitutional, this section shall be deemed to be repealed, and the provisions hereof no longer effective.

(4) Applicability

An applicant may request, in writing, to have property rights vest with a Site-Specific Development Plan (SSDP). The SSDP shall be applicable only to:

- (i) Property zoned Planned Development with the approved Final Development Plan constituting the SSDP; or

Common Procedures for Major Development Applications

- 1** General Meeting or Pre-Application Meeting
Sec. 21.02.030(b)
- 2** Application Submittal & Review
Sec. 21.02.030(d) and 21.02.030(e)
- 3** Complete Applications with Changed Status
Sec. 21.02.030(f)
- 4** Public Notice | Sec. 21.02.030(g)
- 5** Planning Commission Recommendation or Decision
Sec. 21.02.030(h)
- 6** City Council Decision
Sec. 21.02.030(h)
- 7** Post-Decision Actions
Sec. 21.02.030(i)

- (ii) Any other application (i.e., Outline Development Plan, Site Plan, Conditional Use, Subdivision Plat, Final Development Plan or Development Improvements Agreement); provided, that:
 - (A) The applicant requests in writing that the Planning Commission hold a public hearing and approve a specific document/application as a SSDP; and/or
 - (B) State law requires that a vested property right be granted, in which case the Planning Commission shall determine, at its discretion, which, if any, document/application shall constitute a SSDP.

(5) Review Procedure

Applications for a determination of Vested Rights shall meet the common review procedures for major development applications in GJMC 21.02.030 with the following modifications:

(i) Application Submittal

- (A) In addition to any and all other fees and charges imposed by this Code, the applicant shall pay all costs incurred by the City as a result of the SSDP review, including publication of notices, public hearing, and review costs.
- (B) An application for approval of a SSDP shall be submitted and reviewed concurrently with an application for a Final Development Plan or any other document that the Planning Commission shall determine, at its discretion, constitutes a SSDP.
- (C) It is the applicant's responsibility to ensure that each final plan, map, plat or site plan, or other document constituting a SSDP contains the following language: "Approval of this plan may create a vested property right pursuant to § 24-68-101 C.R.S., et seq." Omission of this statement shall invalidate the creation of the vested property right.

(ii) Public Notice and Hearing Requirements

The application shall be scheduled for public hearings before the Planning Commission and City Council and shall be noticed pursuant to GJMC 21.02.030(g).

(iii) Decision-Maker

The Planning Commission shall recommend to and City Council shall decide on an application based on compliance with the following:

- (A) The provisions stated in § 24-68-101 C.R.S., et seq.; and
- (B) The final development plan review criteria of GJMC 21.02.050(i)(4).

(iv) Effect of Determination

- (A) A SSDP shall be deemed approved upon the last action by the City Council related to the SSDP.

- (B) Approval of a SSDP shall not constitute an exemption from, or waiver of, any other provisions of this Code pertaining to the development or use of property.

(6) Post-Decision Actions

- (i) Within 14 calendar days after the approval of the SSDP, the applicant shall:
 - (A) Satisfy the notice requirements of § 24-68-103(1) C.R.S. by publishing at their expense a notice, in a newspaper of general circulation within the City, advising the public of the SSDP approval and creation of vested property rights pursuant to law, together with a legal description of the property at issue in the SSDP; and
 - (B) Acknowledge by written instrument that the applicant confirms their obligation to satisfy all other requirements under the City codes, rules and regulations including, but not limited to, all studies that may be required, including studies concerning traffic, drainage, erosion control, and utilities.
- (ii) No amendment of a SSDP shall extend or change the effective date of vesting of a property right unless specifically provided by written agreement. In the event amendments to a SSDP are proposed and approved, the effective date of such amendments, for purposes of duration of vested property right, shall be the initial date of the approval of the SSDP.
- (iii) Any waiver, be it in part or in full, of a vested property right shall be accomplished by written agreement between the owner and the City and shall be recorded in the Mesa County land records.

(7) Lapsing and Extension of Approvals

The duration of any vesting shall be no longer than required by state law unless a different duration is provided by written agreement between the owner and the City. Failure to comply with any condition of approval of a SSDP shall result in forfeiture of vested rights and the SSDP shall be declared void and lapsed.

(8) Pending Applications for a Site-Specific Development Plan—Applicable Rules and Regulations

(i) General Rule

Pursuant to § 24-68-102.5 C.R.S., the review, approval, approval with conditions, or denial of a complete application for a site-specific development plan shall be governed by the duly adopted laws and regulations in effect at the time a complete application for a site-specific development plan is submitted pursuant to this Code.

(ii) Exception

Notwithstanding the limitations contained in subsection (p)(8)(i) above, the City may apply to the pending complete application for a site-specific development plan any subsequently enacted or amended ordinances, rules, regulations, or policies that are necessary for the immediate preservation of the public health and safety.

(9) Waiver

A landowner may waive a vested property right by separate agreement, which shall be recorded in the county where the property is located.

(10) Other Provisions Unaffected

Approval of a site-specific development plan shall not constitute an exemption from or waiver of any other provisions of this development code pertaining to annexation, development, and use of property.

21.02.060 HISTORIC PRESERVATION PROCEDURES

(a) Purpose

This purpose of this section is to enhance the community's local resources and promotes the public health, safety, prosperity and welfare through the protection and preservation of the City's architectural, historic, and cultural heritage, as embodied in designated historic structures, sites and districts, by application of appropriate regulations and incentives. Those regulations and incentives include:

- (1) The establishment of a City Register listing designated structures, sites, and districts; and
- (2) The provision of educational opportunities to increase public appreciation of Grand Junction's unique heritage.

(b) Board Established

The City Council hereby creates a Historic Preservation Board, which may be referred to as the Historic Board or Preservation Board. The Historic Board shall have principal responsibility for matters of historic preservation, and shall have such membership, authority, duties, and responsibilities as further provided in GJMC 21.02.010(e).

(c) City Registry Established

- (1) The City Council hereby establishes the City Register of historic sites, structures, and districts. Historic sites, structures or districts may be listed on said register only if said site, structure or district has been designated by the City Council following recommendation by the Historic Board.
- (2) All properties listed on the National or State Register are eligible for the City Register but are not designated until approval, pursuant to this Code, is obtained.

(d) Designation of Historic Structures, Sites and Districts

- (1) The City Council:
 - (i) May by resolution designate as historic an individual structure, site or other feature or an integrated group of structures or features on a lot or site. Designation shall be for a special historical or architectural value; or
 - (ii) May by resolution designate as an historic district an area containing a number of structures or sites having a special historical or architectural value.
- (2) Each such designation shall include a description of the characteristics of the structure, site or historic district which justify its designation and a description of the particular features that should be preserved and shall include a legal description of the location and boundaries of the historic structure, site, or district.
- (3) No individual structure or site shall be designated without the consent of all owners of record. Historic districts may be designated in accordance with state law and the provisions in this section.
- (4) The purpose and effect of designation is:
 - (i) To assist local interests in preservation of physical structures, sites, or districts and to recognize locally significant structures, sites, or districts;

- (ii) To provide a mechanism to educate the public on local history, development of the community, architectural styles and housing and business development;
- (iii) To enable the owners of the property in the City to take advantage of historic preservation programs and opportunities; and
- (iv) To make all properties listed on the City Registry eligible for such incentive programs as may be developed.

(e) Procedure for Designating Historic Structures, Sites and Districts for Preservation

(1) Nomination

A nomination for designation to the City Register may be made by the Historic Board or by any citizen by filing an application with the Community Development Department. The applicant shall pay all public notice expenses, recording fees and any other fees established by resolution of the City Council.

(2) Historic Board Review

- (i) The Historic Board shall hold a public meeting on the designation application no more than 30 days after the filing of the application.
- (ii) The Historic Board shall review the application for conformance with the established criteria for designation and with the purposes of this section.
- (iii) Within 10 days after the conclusion of the public meeting, but in no event more than 30 days after the meeting, unless mutually agreed to by the Historic Board, the applicant, and the owner or owners other than the applicant, the Historic Board shall recommend either approval, modification and approval or disapproval of the application.
- (iv) The Historic Board may recommend approval conditional upon the execution of certain easements, covenants, or licenses.
- (v) The Historic Board shall forward to the City Council written recommendations concerning a designation and further state any recommendations as to easements, covenants or licenses that must be met by the property owner in order to receive and/or maintain the designation.

(3) City Council Review

- (i) The City Council shall hold a public hearing on the designation application no more than 30 days after receipt of the Board's recommendation.
- (ii) The City Council shall review the application for conformance with the established criteria for designation and with the purposes of this section.

(4) Notification

When a structure, site or historic district has been designated as provided herein, the Director shall promptly notify the record owners of the property, as shown in the County Assessor's records or other available information, and record the designation in the land records of the Mesa County Clerk and Recorder.

(5) Limitation on Resubmission and Reconsideration of Proposed Designation

If the City Council disapproves a proposed designation, no person shall submit an application that is the same or substantially the same for at least one year from the Effective Date of the denial of the application.

(f) Criteria for Designation

The Historic Board and City Council shall consider the following criteria in reviewing nominations/applications for designation.

(I) Structures

Structures must be at least 50 years old and meet one or more of the architectural, cultural, or geographic/environmental significance criteria. A structure can be exempted from the age requirement if the Council finds it to be exceptionally important in other criteria.

(i) Historic structures or sites shall meet one or more of the following in order to be considered for designation.

(A) Architectural

- a. Exemplifies specific elements of an architectural style or period;
- b. Is an example of the work of an architect or builder who is recognized for expertise nationally, statewide, regionally, or locally;
- c. Demonstrates superior craftsmanship or high artistic value;
- d. Represents an innovation in construction, materials, or design;
- e. Represents a built environment of a group of people in an era of history;
- f. Exhibits a pattern or grouping of elements representing at least one of the above criteria; or
- g. Is a significant historic remodel.

(B) Cultural

- a. Is a site of an historic event that had an effect upon society;
- b. Exemplifies the cultural, political, economic, or ethnic heritage of the City; or
- c. Is associated with a notable person or the work of a notable person.

(C) Geographic/Environmental

- a. Enhances the sense of identity of the City; or
- b. Is an established and familiar natural setting or visual feature of the City.

(ii) Prehistoric and historic archaeological structures or sites shall meet one or more of the following:

(A) Architectural

- a. Exhibits distinctive characteristics of a type, period, or manner of construction; or
- b. Is a unique example of structure.

(B) Cultural

- a. Has the potential to make an important contribution to the knowledge of the area's history or prehistory;
- b. Is associated with an important event in the area's development;
- c. Is associated with a notable person or the work of a notable person;
- d. Is a typical example or is associated with a particular ethnic or other community group; or
- e. Is a unique example of an event in local history.

(C) Geographic/Environmental

Is geographically or regionally important.

(iii) Each property shall also be evaluated based on physical integrity using the following criteria (a property need not meet all the following criteria):

- (A) Shows character, interest, or value as part of the development, heritage or cultural characteristics of the community, region, state, or nation;
- (B) Retains original design features, materials and/or character;
- (C) Is in the original location or same historic context if it has been moved; or
- (D) Has been accurately reconstructed or restored.

(2) Historic Districts

- (i) For the purposes of this section, a historic district is a geographically definable area including a concentration, linkage or continuity of sites, buildings, structures and/or objects. A historic district is related by a pattern of either physical elements or social activities.
- (ii) Significance is determined by applying criteria to the pattern and unifying elements.
- (iii) Nominations/applications for historic district designation shall not be approved unless the application contains written approval from owners of at least 60 percent of the properties within the proposed district boundaries.
- (iv) Properties that do not contribute to the significance of the historic district may be included within the boundaries so long as the noncontributing elements do not noticeably detract from the district's sense of time, place, and historical development. Noncontributing elements shall be evaluated for their magnitude of impact by considering their size, scale, design, location and/or information potential.

- (v) Historic district boundaries shall be defined by visual changes, historical documentation of different associations or patterns of development, or evidence of changes in site type or site density as established through testing or survey.
- (vi) When districts are designated, applicable design guidelines and other appropriate restrictions may be included as part of the designation.
- (vii) In addition to meeting at least one of the criteria as outlined in subsection (f)(2)(viii) below, the designated contributing sites and structures within the district must be at least 50 years old. The district could be exempt from the age standard if the resources are found to be exceptionally important in other significant criteria.
- (viii) Historic districts shall meet one or more of the following:
 - (A) Architectural
 - a. Exemplifies specific elements of an architectural period or style;
 - b. Is an example of the work of an architect or builder who is recognized for expertise nationally, statewide, regionally, or locally;
 - c. Demonstrates superior craftsmanship or high artistic value;
 - d. Represents an innovation in construction, materials, or design;
 - e. Represents a built environment of a group of people in an era of history;
 - f. Is a pattern or a group of elements representing at least one of the above criteria; or
 - g. Is a significant historic remodel.
 - (B) Cultural
 - a. Is the site of an historic event that had an effect upon society;
 - b. Exemplifies cultural, political, economic, or social heritage of the community; or
 - c. Is associated with a notable person or the work of a notable person.
 - (C) Geographic/Environmental
 - a. Enhances the sense of identity of the community; or
 - b. Is an established and familiar natural setting or visual feature of the community.
 - (D) Archaeology/Subsurface
 - a. Has the potential to make an important contribution to the area's history or prehistory;
 - b. Is associated with an important event in the area's development;
 - c. Is associated with a notable person or the work of a notable person;

- d. Has distinctive characteristics of a type, period, or manner of construction;
- e. Is of geographical importance;
- f. Is a typical example/association with a particular ethnic group;
- g. Is a typical example/association with a local cultural or economic activity; or
- h. Is a unique example of an event or structure.

(g) Review of Alterations

(1) City Registry

The owner of any historic structure or site on the City Registry designated pursuant to subsection (e) of this section is requested to consult with the Historic Board before making any alteration. The Historic Board shall determine if the alteration is compatible with the designation. In reviewing a proposed alteration, the Historic Board shall consider design, finish, material, scale, mass, and height. When the subject site is in an historic district, the Historic Board must also find that the proposed development is visually compatible with development on adjacent properties, as well as any guidelines adopted as part of the given historic district designation. For the purposes of this section, the term “compatible” shall mean consistent with, harmonious with and/or enhances the mixture of complementary architectural styles either of the architecture of an individual structure or the character of the surrounding structures. The Historic Board shall use the following criteria to determine compatibility of a proposed alteration:

- (i) The effect upon the general historical and architectural character of the structure and property;
- (ii) The architectural style, arrangement, texture, and material used on the existing and proposed structures and their relation and compatibility with other structures;
- (iii) The size of the structure, its setbacks, its site, location, and the appropriateness thereof, when compared to existing structure and the site;
- (iv) The compatibility of accessory structures and fences with the main structure on the site, and with other structures;
- (v) The effects of the proposed work in creating, changing, destroying, or otherwise impacting the exterior architectural features of the structure upon which such work is done;
- (vi) The condition of existing improvements and whether they are a hazard to public health and safety; or
- (vii) The effects of the proposed work upon the protection, enhancement, perpetuation, and use of the property.

(2) North Seventh Street Historic Residential District

The owner of any property within the North Seventh Street Historic Residential District shall comply with the North Seventh Street Historic Residential District Guidelines and Standards.

- (i) Before making any construction or alteration to a site or structure, such owner shall make application to the City for a Certificate of Appropriateness. The Director shall review such application for compliance with the Guidelines and Standards and make an initial determination and recommendation to the Board. The Director may include in that recommendation any conditions deemed appropriate to comply with the Guidelines and Standards and with the Zoning and Development Code.
- (ii) The Board shall have jurisdiction to review City staff recommendations and to decide applications for Certificates of Appropriateness at a public hearing. The Board may include any conditions of approval deemed appropriate for compliance with the Guidelines and Standards. No owner shall construct or alter a structure or site in the District without first obtaining a Certificate of Appropriateness from the Board.
- (iii) A decision of the Board may be appealed to City Council within 30 days of the issuance of the decision. Appeals to City Council shall be de novo.
- (iv) All reviews pursuant to this subsection (2) shall determine if the new construction or alteration is compatible with the historic designation as provided in the North Seventh Street Historic Residential District Guidelines and Standards. In reviewing an application, consideration shall be given to design, siting, form, texture, setbacks, orientation, alignment, finish, material, scale, mass, height, and overall visual compatibility, according to and with reference to the applicable Guidelines and Standards of the North Seventh Street Historic Residential District. For purposes of this section, the term “compatible” shall mean consistent with, harmonious with and/or enhancing the mixture of complementary architectural styles either of the architecture of an individual structure or the character of the surrounding structures.

(h) Revocation of Designation

- (1) If a building or special feature on a designated site has been altered in such a way so as to negate the features necessary to retain designation, the owner may apply to the Historic Board for a revocation of the designation or the Historic Board shall recommend revocation of the designation to the City Council in the absence of the owner’s application to do so.
- (2) If a designated structure is moved or demolished, the designation shall, without notice and without Historic Board recommendation, automatically terminate. If moved, a new application for designation at the new location must be made in order for designation to be considered.
- (3) Upon the City Council’s decision to revoke a designation, the Director shall cause a revocation notice to be sent to the property owner.

21.02.070 DEVELOPMENT FEES

(a) Development Impact Fees

(1) Title

This section shall be known and may be cited as the “Grand Junction, Colorado, Impact Fee Ordinance” or “Impact Fee Ordinance.”

(2) Authority

The City has the authority to adopt this section pursuant to Article XX, § 6 of the Colorado State Constitution, the City's home rule charter, the City's general police powers, and other laws of the State of Colorado.

(3) Application

This section shall apply to all development within the territorial limits of the City, except development exempted pursuant to GJMC 21.02.070(a)(5)(ii).

(4) Purpose

- (i) The intent of this section is to ensure that new development pays a proportionate share of the cost of city parks and recreation, fire, police, and transportation capital facilities.
- (ii) It is the intent of this section that the impact fees imposed on new development are no greater than necessary to defray the impacts directly related to proposed new development.
- (iii) Nothing in this section shall restrict the City from requiring an applicant for a development approval to construct reasonable capital facility improvements designed and intended to serve the needs of an applicant's project, whether or not such capital facility improvements are of a type for which credits are available under GJMC 21.02.070(a)(6), Credits.

(5) Development Impact Fees to Be Imposed

(i) Fee Obligation, Payment, and Deposit

(A) Obligation to Pay and Time of Payment

Any person who causes the commencement of impact-generating development, except those exempted pursuant to GJMC 21.02.070(a)(5)(ii) shall be obligated to pay impact fees pursuant to the terms of this section. The obligation to pay the impact fees shall run with the land. The amount of the impact fees shall be determined in accordance with GJMC 21.02.070(a)(5)(iii) and the fee schedule in effect at the time of issuance of a Planning Clearance and paid to the Director at the time of issuance of a Planning Clearance. If any credits are due pursuant to GJMC 21.02.070(a)(6) those shall be determined prior to the issuance of a Planning Clearance and payment of the impact fees.

(B) Fees Promptly Deposited into City Accounting Funds

All monies paid by a fee payer pursuant to this section shall be identified as impact fees and shall be promptly deposited in the appropriate City impact fee accounting funds established and described in GJMC 21.02.070(a)(7).

(C) Extension of Previously Issued Development Approval

If the fee payer is applying for an extension of a development approval issued prior to January 1, 2020, the impact fees required to be paid shall be the net increase between the impact fees applicable at the time of the current permit

extension application and any impact fees previously paid pursuant to this section, and shall include any impact fees established subsequent to such prior payment.

(D) Fee Based on Approved Development

If the Planning Clearance is for less floor area than the entire development approved pursuant to the development approval, the fee shall be computed separately for the floor area of development covered by the Planning Clearance, and with reference to the use categories applicable to such development covered by the Planning Clearance.

(E) Permit for Change in Use, Expansion, Redevelopment, Modification

If the fee payer is applying for a Planning Clearance to allow for a change of use or for the expansion, redevelopment, or modification of an existing development, the impact fees required to be paid shall be based on the net increase in the impact fees for the new use as compared to the previous use and actual fee paid for the previous use, and shall include any impact fees established subsequent to such prior payment.

(F) Prior Conditions and/or Agreements

Any person who prior to January 1, 2020, has agreed in writing with the City, as a condition of permit approval, to pay an impact fee shall be responsible for the payment of the impact fees under the terms of such agreement, and the payment of the impact fees may be offset against any impact fees due pursuant to the terms of this section.

(G) Time of Submittal

For nonresidential and multifamily development (excluding townhomes, duplexes, and condominium residence(s)) the fee shall be calculated as of the submission of a complete application and construction commences within two years of approval. Should construction fail to commence within two years, the applicant shall pay those fees in place at the time of issuance of a Planning Clearance.

(ii) Exemptions

The following types of development shall be exempt from payment of impact fees. Any claim for exemption shall be made no later than the time when the applicant applies for the first Planning Clearance. Any claim for exemption not made at or before that time shall be waived. The Director shall determine the validity of any claim for exemption pursuant to the standards set forth below.

(A) Replacing Existing Residential Unit with New Unit

Reconstruction, expansion, alteration, or replacement of a previously existing residential unit that does not create any additional residential units.

(B) New Impact-Generating Development Creates No Greater Demand than Previous Development.

New impact-generating development that the fee payer can demonstrate will create no greater demand over and above that produced by the existing use or development.

(C) Building after Fire or Other Catastrophe

Rebuilding the same amount of floor space of a structure that was destroyed by fire or other catastrophe.

(D) Accessory Structures

Construction of unoccupied accessory structures related to a residential unit.

(E) Previous Payment of Same Amount of Impact Fees

Impact-generating development for which an impact fee was previously paid in an amount that equals or exceeds the impact fee that would be required by this section.

(F) Government

Development by the federal government, the state, school district, county or the City.

(G) Complete Development Application Approved Prior to Effective Date of Chapter

For development for which a complete application for a Planning Clearance was approved prior to January 1, 2020; and for nonresidential and multifamily development for which a complete application was submitted prior to January 1, 2020, so long as construction commences by January 1, 2022, the required fees shall be those in effect at time of submittal.

(H) Small Additions and Renovations for Residential Uses

Construction of an addition to an existing dwelling unit of 500 square feet or less, or expansion of finished space for an existing dwelling unit of 500 square feet or less. This exemption shall only be used one time for each dwelling unit and does not apply to accessory dwelling units.

(iii) Calculation of Amount of Impact Fees

(A) Impact Fee Schedule

Except for those electing to pay impact fees pursuant to GJMC 21.02.070(a)(5)(iii)(B), the impact fees applicable to the impact-generating development shall be as determined by the impact fee schedule, which is hereby adopted and incorporated herein. The impact fee schedules are based on the impact fee studies. It applies to classes of land uses within the City, differentiates between types of land uses, and is intended to defray the projected impacts caused by proposed new development on city capital facilities. The determination of the land use category(ies) in the impact fee schedules that are applicable to

impact-generating development shall be made by the Director with reference to the impact fee studies and the methodologies therein; the then-current edition of the ITE Trip Generation Manual, published by the Institute of Traffic Engineers; the City zoning and development code; the then-current land use approvals for the development; and any additional criteria set forth in duly promulgated administrative rules.

a. Annual Adjustment of Impact Fees to Reflect Effects of Inflation

The impact fee schedule shall be adjusted annually and/or biannually consistent with the impact fee study. Commencing on January 1, 2023, and on January 1st of each subsequent year, each impact fee amount set forth in the impact fee schedule shall be adjusted for inflation, as follows:

1. For transportation impact fees, the fees shall be adjusted for inflation based on the latest 10-year average of the Colorado Department of Transportation Construction Cost Index, published quarterly by CDOT.
2. For fire, police, and parks the fees shall be adjusted for inflation based on the most recent Construction Cost Index published by Engineering News Record.
3. The adjusted impact fee schedule shall become effective immediately upon calculation and certification by the City Manager and shall not require additional action by the City Council to be effective.

b. Impact-Generating Development Not Listed in the Impact Fee Schedule

If the proposed impact-generating development is of a type not listed in the impact fee schedule, then the impact fees applicable are those of the most nearly comparable type of land use. The determination of the most nearly comparable type of land use shall be made by the Director with reference to the impact fee study and City code.

c. Mix of Uses

If the proposed impact-generating development includes a mix of those uses listed in the impact fee schedule, then the impact fees shall be determined by adding the impact fees that would be payable for each use as if it was a freestanding use pursuant to the impact fee schedule.

(B) Independent Fee Calculation Study

In lieu of calculating the amount(s) of impact fees by reference to the impact fee schedule, a fee payer may request that the amount of the required impact fee be determined by reference to an independent fee calculation study.

a. Preparation of Independent Fee Calculation Study

If a fee payer requests the use of an independent fee calculation study, the fee payer shall be responsible for retaining a qualified professional (as

determined by the Director) to prepare the independent fee calculation study that complies with the requirements of this section, at the fee payer's expense.

b. General Parameters for Independent Fee Calculation Study

Each independent fee calculation study shall be based on the same level of service standards and unit costs for the capital facilities used in the impact fee study and shall document the relevant methodologies and assumptions used.

c. Procedure

1. An independent fee calculation study shall be initiated by submitting an application to the Director together with an application fee to defray the costs associated with the review of the independent fee calculation study.
2. The Director shall determine if the application is complete. If it is determined the application is not complete, a written statement outlining the deficiencies shall be sent by mail to the person submitting the application. The Director shall take no further action on the application until it is complete.
3. When it is determined the application is complete, the application shall be reviewed by the Director and a written decision rendered on whether the impact fees should be modified, and, if so, what the amount should be, based on the standards in GJMC 21.02.070(a)(6)(i).

d. Standards

If, on the basis of generally recognized principles of impact analysis, the Director determines the data, demand information and assumptions used by the applicant to calculate the impact fees in the independent fee calculation study more accurately measure the proposed impact-generating development's impact on the appropriate capital facilities, the impact fees determined in the independent fee calculation study shall be deemed the impact fees due and owing for the proposed development. The fee adjustment shall be set forth in a fee agreement. If the independent fee calculation study fails to satisfy these requirements, the impact fees applied shall be the impact fees established in the impact fee schedule.

(6) Credits

(i) Standards

(A) General

Any person causing the commencement of impact-generating development may apply for credit against impact fees otherwise due, up to but not exceeding the full obligation of impact fees proposed to be paid pursuant to the provisions of

this section, for any contributions or construction (as determined appropriate by the Director) accepted in writing by the City for capital facilities. Credits against impact fees shall be provided only for that impact fee for which the fee is collected.

(B) Valuation of Credits

a. Construction

Credit for construction of capital facilities shall be valued by the City based on complete engineering drawings, specifications, and construction costs estimates submitted by the fee payer to the City. The Director shall determine the amount of credit due, if any, based on the information submitted, or, if he/she determines the information is inaccurate or unreliable, then on alternative engineering or construction costs determined by and acceptable to the Director.

b. Contributions

Contributions for capital facilities shall be based on the value of the contribution or payment at the time it is made to the City.

(C) When Credits Become Effective

a. Construction

Credits for construction of capital facilities shall become effective after the credit is approved pursuant to this section, a written credit agreement is entered into and (a) all required construction has been completed and has been accepted by the City, (b) suitable maintenance and financial warranty has been received and approved by the City, and (c) all design, construction, inspection, testing, financial warranty, and acceptance procedures have been completed in compliance with all applicable City requirements. Approved credits for the construction of capital facilities may become effective at an earlier date if the fee payer posts security in the form of an irrevocable letter of credit, escrow agreement, or cash and the amount and terms of such security are acceptable by the City Manager. At a minimum, such security must be in the amount of the approved construction credit plus 20 percent, or an amount determined to be adequate to allow the City to construct the capital facilities for which the credit was given, whichever is higher.

b. Contribution

Credits for contributions for capital facilities shall become effective after the credit is approved in writing pursuant to this section, a credit agreement is entered into and the contribution is made to the City in a form acceptable to the City.

c. Transferability of Credits

Credits for contributions, construction or dedication of land shall be transferable within the same development and for the same capital facility

for which the credit is provided but shall not be transferable outside the development. Credit may be transferred pursuant to these terms and conditions by a written instrument, to which the City is a signatory, that clearly identifies which credits issued under this section are to be transferred. The instrument shall be signed by both the transferor and transferee, and the document shall be delivered to the Director for registration of the change in ownership. If there are outstanding obligations under a credit agreement, the City may require that the transferor or transferee or both (as appropriate) enter into an amendment to the credit agreement to assure the performance of such obligations.

d. Total Amount of Credit

The total amount of the credit shall not exceed the amount of the impact fees due for the specific facility fee (e.g., fire, police, parks).

e. Capital Contribution Front-Ending Agreement

The City may enter into a capital contribution front-ending agreement with any developer who proposes to construct capital facilities to the extent the fair market value of the construction of these capital facilities exceeds the obligation to pay impact fees for which a credit is provided pursuant to this section. The capital contribution front-ending agreement shall provide proportionate and fair share reimbursement linked to the impact-generating development's use of the capital facilities constructed.

(ii) Procedure

(A) Submission of Application

In order to obtain a credit against impact fees, the fee payer shall submit an offer for contribution or construction. The offer shall be submitted to the Director and must specifically request a credit against impact fees.

(B) Contribution Offer Contents

The offer for contribution credit shall include the following:

a. Construction

If the proposed credit involves construction of capital facilities:

1. The proposed plan for the specific construction certified by a duly qualified and licensed Colorado engineer;
2. The projected costs for the suggested improvement, which shall be based on local information for similar improvements, along with the construction timetable for the completion thereof. Such estimated costs may include the costs of construction or reconstruction, the costs of all labor and materials, the costs of all lands, property, rights, easements and franchises acquired, financing charges, interest prior to and during construction and for one year after completion of construction, costs of

plans and specifications, surveys of estimates of costs and of revenues, costs of professional services, and all other expenses necessary or incident to determining the feasibility or practicability of such construction or reconstruction;

3. A statement made under oath of the facts that qualify the fee payer to receive a contribution credit.

b. Contribution

If the proposed offer involves a credit for any contribution for capital facilities, the following documentation shall be provided:

1. A copy of the Planning Clearance for which the contribution was established;
2. If payment has been made, proof of payment; or
3. If payment has not been made, the proposed method of payment.

(C) Determination of Completeness

The Director shall determine if the application is complete. If it is determined that the proposed application is not complete, the Director shall send a written statement to the applicant outlining the deficiencies. No further action shall be taken on the application until all deficiencies have been corrected.

(D) Decision

The Director shall determine if the offer for credit is complete and if the offer complies with the standards in GJMC 21.02.070(a)(6)(i).

(iii) Credit Agreement

If the offer for credit is approved by the Director, a credit agreement shall be prepared and signed by the applicant and the City Manager. The credit agreement shall provide the details of the construction or contribution of capital facilities, the time by which it shall be dedicated, completed, or paid, and the value (in dollars) of the credit against the impact fees the fee payer shall receive for the construction or contribution.

(iv) Accounting of Credits

Each time a request to use approved credits is presented to the City, the Director shall reduce the amount of the impact fees, and shall note in the City's records and the credit agreement the amount of credit remaining, if any.

(7) Impact Fee Accounts

(i) Establishment of Impact Fee Accounts

(A) Establishment of Impact Fee Accounts

For the purpose of ensuring impact fees collected pursuant to this section are designated for the mitigation of capital facility impacts reasonably attributable to new impact-generating development that paid the impact fees.

(B) Establishment of Impact Fee Accounts

Impact fees shall be deposited into five accounts (collectively, Impact Fee Accounts): transportation, parks and recreation, capital facilities, fire capital facilities, and police capital facilities accounts.

(ii) Deposit and Management of Impact Fee Accounts

(A) Managed in Conformance with § 29-1-801 C.R.S. et seq

The Impact Fee Accounts shall bear interest and shall be managed in conformance with § 29-1-801 C.R.S. et seq. No impact fees(s) or other similar development land development charge(s) shall be imposed or collected except pursuant to a schedule(s) that is(are) (a) adopted by ordinance by the City Council, pursuant to a legally sufficient study(ies); (b) generally applicable to a broad class of property; and (c) serves to defray the projected impacts on capital facilities caused by development. The City shall from time to time quantify the reasonable impacts of proposed development on existing capital facilities and establish the impact fee(s) or land development charge(s) at a level no greater than necessary to defray such impacts directly related to proposed development. No impact fee or other similar land development charge shall be imposed to remedy any deficiency in capital facilities that exists without regard to the proposed development.

(B) Immediate Deposit of Impact Fees in City Accounting Funds

All Parks and Recreation, Fire, Police, and Transportation impact fees collected by the City pursuant to this section shall be promptly deposited into the appropriate interest bearing accounting fund(s) ("Impact Fee Accounts") of the City designated, as allowed by § 29-1-803 C.R.S., by category, account or fund as determined by the City Manager or their designee. Any interest or other income earned on money deposited shall be credited to the Impact Fees Account(s) and no other City accounting fund(s).

(C) Interest Earned on Impact Fee Account Monies

Any impact fees not immediately expended shall be deposited as provided in this section. Interest earned on money in the Impact Fee Accounts shall be considered part of such account(s) and shall be subject to the same restrictions on use applicable to the impact fees deposited in such account.

(D) Income Derived Retained in Accounts until Spent

All income derived from the deposits shall be retained in the accounts until spent pursuant to the requirements of this section.

(E) Expenditure of Impact Fees

Monies in each account shall be considered to be spent in the order collected, on a first-in/first-out basis.

(iii) Annual Report

At least once annually the City will publish on its official website a report for the most recent fiscal year stating the amount of each Impact fee and/or land development charge collected to the Impact Fee Accounts, the average annual interest rate on each account and the total amount disbursed from each account.

(8) Expenditure of Impact Fees

(i) Capital Facilities Impact Fees

The monies collected from each capital facilities impact fee shall be used only to acquire or construct capital facilities within the City. Each and all capital facilities impact fees may, as determined by the City Council, be expended anywhere within the City notwithstanding the location of the project for which the impacts were paid.

(ii) No Monies Spent for Routine Maintenance, Rehabilitation or Replacement of Capital Facilities

No monies shall be spent for periodic or routine maintenance, rehabilitation, or replacement of any City transportation, parks and recreation, fire, or police capital facilities.

(iii) No Monies Spent to Remedy Deficiencies Existing on Effective Date of Chapter

No monies shall be spent to remedy existing deficiencies in transportation capital facilities, parks and recreation capital facilities, fire capital facilities, or police capital facilities.

(iv) Transportation Impact Fees

Transportation impact fee monies may be spent for the reconstruction and replacement of existing roads, the construction of new road systems and may be used to pay debt service on any portion of any current or future general obligation bond or revenue bond issued after July 6, 2004, and used to finance major road system improvements. All Transportation Impact Fees may, as determined by the City Council, be expended anywhere within the City notwithstanding the location of the project for which the impacts were paid.

(9) Refund of Impact Fees Paid

(i) Refund of Impact Fees Not Spent or Encumbered in 10 Years

A fee payer or the fee payer's successor-in-interest may request a refund of any impact fees not spent or encumbered within 10 years from the date the fee was paid, along with interest actually earned on the fees. Impact fees shall be deemed to be spent on the basis of the first fee collected shall be the first fee spent.

(ii) Procedure for Refund

The refund shall be administered by the Director, and shall be undertaken through the following process:

(A) Submission of Refund Application

A fee payer or successor-in-interest shall submit within one year following the end of the tenth year from the date on which the Planning Clearance was issued for which a refund is requested. The refund application shall include the following information:

- a. A copy of the dated receipt issued for payment of the impact fee;
- b. A copy of the Planning Clearance.

(B) Determination of Completeness

The Director shall determine if the refund application is complete. If the application is not complete, the Director shall mail the applicant a written statement outlining the deficiencies. The Director shall take no further action on the refund application until it is complete.

(C) Decision on Refund Application

When the refund application is complete, it shall be reviewed and approved if the Director determines a fee has been paid which has not been spent within the 10-year period. The refund shall include the fee paid plus interest actually earned on the impact fee.

(iii) Limitations

(A) Expiration of Planning Clearance without Possibility of Extension

If a fee payer has paid an impact fee required by this section and obtained a Planning Clearance, and the Planning Clearance for which the impact fee was paid later expires without the possibility of further extension, then the fee payer or the fee payer's successor-in-interest may be entitled to a refund of the impact fee paid, without interest. In order to be eligible to receive a refund of impact fees pursuant to this subsection, the fee payer or the fee payer's successor-in-interest shall be required to submit an application for such refund to the Director within 30 days after the expiration of the Planning Clearance for which the fee was paid. If a successor-in-interest claims a refund of the impact fee, the City may require written documentation that such rights have been conveyed to the claimant. If there is uncertainty as to the person to whom the refund is to be paid or if there are conflicting demands for such refund, the City Attorney may interplead such funds.

(iv) No Refund If Project Demolished, Destroyed, Altered, Reconstructed or Reconfigured

After an impact fee has been paid pursuant to this section, no refund of any part of such fee shall be made if the development for which the impact fee was paid is later demolished, destroyed, or is altered, reconstructed, reconfigured, or changed in use so as to reduce the size or intensity of the development or the number of units in the development.

(10) Low-Moderate Income Housing

In order to promote the provision of low-moderate income housing in the City, the City Council may agree in writing to pay some or all of the impact fees imposed on a proposed low or moderate income housing development by this section from other unrestricted funds of the City. Payment of impact fees on behalf of a fee payer shall be at the discretion of the City Council and may be made pursuant to goals and objectives adopted by the City Council to promote housing affordability.

(11) Administration, Appeals and Updates of Determination or Decision of Director to City Manager

(i) Review Every Five Years

The impact fees described in this section and the administrative procedures of this section shall be reviewed at least once every five years by an independent consultant, as directed by the City Manager, to ensure that (i) the demand and cost assumptions underlying the impact fees are still valid, (ii) the resulting impact fees do not exceed the actual costs of constructing capital facilities that are of the type for which the impact fees are paid and that are required to serve new impact-generating development, (iii) the monies collected or to be collected in each impact account have been and are expected to be spent for capital facilities for which the impact fees were paid, and (iv) the capital facilities for which the impact fees are to be used will benefit the new development paying the impact fees.

(ii) Appeal

(A) Director Determination or Decision

Any determination or decision made by the Director under this section may be appealed to the City Manager by filing with the City Manager within 30 days of the determination or decision for which the appeal is being filed: (A) a written notice of appeal on a form provided by the City Manager, (B) a written explanation of why the appellant feels the determination or decision is in error, and (C) an appeal fee established by the City.

(B) City Manager Review

The City Manager shall fix a time and place for hearing the appeal, and shall mail notice of the hearing to the appellant at the address given in the notice of appeal. The hearing shall be conducted at the time and place stated in the notice given by the City Manager. At the hearing, the City Manager shall consider the appeal and either affirm or modify the decision or determination of the Director based on the relevant standards and requirements of this section. The decision of the City Manager shall be final.

(C) Administrative Rules

The City Manager and Director, and their respective designees, may from time to time establish written administrative rules, not inconsistent with the provisions of this section, to facilitate the implementation of this section as provided in GJMC

21.02.010. Without limiting the foregoing, the Director is authorized to establish written administrative rules, not inconsistent with the provisions of this section, for use in the determination of the land use category(ies) in the impact fee schedule that is applicable to impact-generating development. All administrative rules adopted pursuant hereto shall be published in written form and copies thereof maintained in the offices of the Director and City Clerk. Administrative rules adopted pursuant hereto and a copy of such rules shall be made available without charge to fee payers and other persons requesting a copy thereof.

(12) Impact Fee Schedule – Fire, Police, Parks and Recreation, and Transportation

Table 21.02-8: Impact Fee Schedule (2023) Fire, Police, Parks and Recreation & Transportation

| | | Fire | Police | Parks & Recreation | Transportation |
|--|----------|-------|--------|--------------------|----------------|
| Single-Family | | | | | |
| <1,250 sq. ft. of living area | Dwelling | \$751 | \$323 | \$1,333 | \$3,078 |
| 1,250 to 1,649 sq. ft. of living area | Dwelling | \$751 | \$323 | \$1,333 | \$4,711 |
| 1,650 to 2,299 sq. ft. of living area | Dwelling | \$751 | \$323 | \$1,333 | \$5,377 |
| 2,300 sq. ft. or more of living area | Dwelling | \$751 | \$323 | \$1,333 | \$7,042 |
| Manufactured Home in a Manufactured Housing Community | Pad | \$751 | \$323 | \$1,333 | \$3,196 |
| Multi-family | Dwelling | \$494 | \$212 | \$897 | \$2,881 |
| RV Park | Pad | \$494 | \$212 | --- | \$3,196 |
| Hotel/Lodging | 1,000 sf | \$517 | \$218 | --- | \$3,972 [1] |
| Retail/Commercial | 1,000 sf | \$517 | \$218 | --- | \$7,227 |
| Convenience Commercial (Gas station/Drive Thru) | 1,000 sf | \$517 | \$218 | --- | \$15,364 |
| Office | 1,000 sf | \$202 | \$86 | --- | \$5,799 |
| Institutional/ Public | 1,000 sf | \$202 | \$86 | --- | \$1,426 |
| Industrial | 1,000 sf | \$70 | \$30 | --- | \$2,025 |
| Warehousing | 1,000 sf | \$36 | \$15 | --- | \$921 |
| Notes: | | | | | |
| [1] Hotel/Lodging Transportation Fee calculated per Room | | | | | |
| Fees will be increased annually for inflation | | | | | |

(b) School Land Dedication Fee

(1) Standard for School Land Dedication

Dedication of suitable school lands for school purposes shall be required of any development if the school district determines that such development includes within it

land which is necessary for implementing a school plan. In all other cases, the fee required under GJMC 21.02.070(b)(1)(ii) shall be paid in lieu of a school land dedication.

(i) Standard for Fee in Lieu of School Land Dedication

Except in cases where a school land dedication is required in accordance with this section, or an exemption under this section applies, all development and all projects which contain a new dwelling shall be subject to fees in lieu of school land dedication (SLD fee) in an amount per dwelling unit determined by resolution of the City Council. SLD fees shall be collected by the City for the exclusive use and benefit of the school district in which such development is located and shall be expended by the school district solely to acquire real property or interests in real property reasonably needed for development or expansion of school sites and facilities, or to reimburse the school district for sums expended to acquire such property or interests. Revenues from such fees shall be used only for such purposes.

(ii) Payment, Prepayment, Exemption, Credit, and Refund of SLD Fee

- (A) No building permit shall be issued for a dwelling, multiple-family dwelling or multifamily dwelling which is or contains one or more dwelling units until and unless the SLD fee for such dwelling unit in effect at the time such permit is applied for has been paid as required by this section.
- (B) Nothing in GJMC 21.02.070(b)(1)(i) shall preclude a holder of a development permit for a residential development or mixed-use development containing a residential development component from prepaying the SLD fees to become due under this section for one or more dwellings, multiple-family dwellings or multifamily dwellings to be constructed in such development. Such prepayment shall be made upon the filing of a Final Plat for residential development, at the SLD fee rate then in effect and in the amount which would have been due had a building permit application for such dwelling been pending at the time of prepayment. A subsequent building permit for a dwelling, multiple-family dwelling or multifamily dwelling which is or contains one or more dwelling units for which the SLD fees have been prepaid shall be issued without payment of any additional SLD fees. However, if such permit would allow additional dwelling units for which SLD fees have not been prepaid, such permit shall not be issued until the SLD fees for such additional dwelling units have been paid at the rate per dwelling unit in effect at the time the building permit application was made.
- (C) Any prepayment of SLD fees in accordance with this section shall be documented by a memorandum of prepayment which shall contain, at minimum, the following:
 - a. The legal description of the real property subject to residential development for which an SLD fee is being prepaid;

- b. A description of the development permit issued concerning such real property, and a detailed statement of the SLD fees owed pursuant to such permit which are being prepaid;
- c. The notarized signatures of the record owner of the property or their duly authorized agents; and
- d. The notarized signature of the County Manager indicating approval of the prepayment plan, if the fee was paid while the real property was outside the limits of the City; or if the fee was paid at the time the real property was within the limits of the City, of the City Manager, indicating approval of the prepayment plan.

(iii) Exemptions

The following shall be exempted from payment of the SLD fee:

- (A) Alterations or expansion of an existing building except where the use is changed from nonresidential to residential and except where additional dwelling units result;
- (B) The construction of accessory buildings or structures;
- (C) The replacement of a destroyed or partially destroyed building or structure with a new building or structure of the same size and use;
- (D) The installation of a replacement mobile home on a lot or other parcel when a fee in lieu of land dedication for such mobile home has previously been paid pursuant to this section or where a residential mobile home legally existed on such site on or before the Effective Date of the ordinance codified in this section;
- (E) Nonresidential buildings, nonresidential structures, or nonresidential mobile homes;
- (F) Nursing homes, adult foster care facilities or specialized group facilities; and
- (G) City- or County-approved planned residential developments that are subject to recorded covenants restricting the age of the residents of said dwelling units such that the dwelling units may be classified as housing for older persons pursuant to the Federal Fair Housing Amendments Act of 1988.

(iv) Credits

- (A) An applicant for a development permit (or a holder of such a permit) who owns other suitable school lands within the school district in which the development is located may offer to convey such lands to the school district in exchange for credit against all or a portion of the SLD fees otherwise due or to become due. The offer must be in writing, specifically request credit against fees in lieu of school land dedication, and set forth the amount of credit requested. If the City and the school district accept such offer, the credit shall be in the amount of the

value of the suitable school lands conveyed, as determined by written agreement between the City, the school district and the permit holder or applicant.

- (B) Credit against SLD fees otherwise due or to become due will not be provided until good and sufficient title to the property offered under this subsection is conveyed to and accepted by the school district. Upon such conveyance, the school district and the City shall provide the applicant with a letter or certificate setting forth the dollar amount of the credit, the reason for the credit, and a description of the project or development to which the credit shall be applied.
- (C) Credits shall not be transferable from one project or development to another.

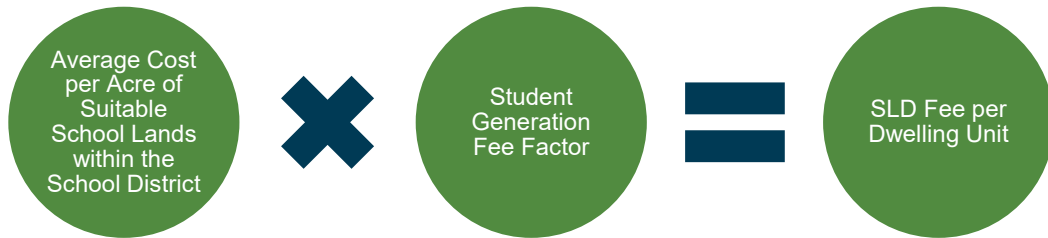
(v) Refund of Fees Paid

- (A) Any SLD fee which has not been expended by the school district within five years of the date of collection shall be refunded, with interest at the rate of five percent per annum compounded annually, to the person who paid the fee. Prior to such refund, such amount shall be reduced by an amount equal to three percent of the principal amount to be refunded, for the costs incurred by the City in the refund of such fee. The City shall give written notice by U.S. mail to the person who paid the fee at their address as reflected in the records of the Mesa County Clerk and Recorder. If such person does not file a written claim for such refund with the City within 90 days of the mailing of such notice, such refund shall be forfeited and shall be retained and used for the purposes set forth in this section.
- (B) The City Council may, upon the school district's request, extend the five-year period of time specified in GJMC 21.02.070(b)(1)(v)(A) upon a showing that such extension is reasonably necessary in order for the school district to complete or close a purchase transaction entered into in writing by such district prior to expiration of such period, or to give the school district an opportunity to exercise a purchase option it acquired prior to expiration of such period. Such request shall be made at a public hearing of the City Council. In no event shall any extension of time exceed an additional five-year period.

(2) Fees in Lieu of School Land Dedication (SLD Fees)

- (i) SLD fees shall be collected and held in trust for the use and benefit of the school district containing the residential development for which the fee is collected. Such fees shall be expended by the school district to acquire additional real property for expansion of school facilities and construction of new school facilities necessitated by new residential development in the school district, or to reimburse the school district for sums expended to acquire such property. The amount of the SLD fee shall be based on a methodology which takes into account the student generation rates of new residential development, the quantity of land required to build new school facilities on a per pupil basis, and the anticipated cost of acquiring suitable school lands in the school district to expand existing school facilities and construct new school facilities to accommodate new residential development without decreasing current levels of educational services.

- (ii) The SLD fee and the value of the variables in the formula to determine the SLD fee shall be set by resolution of the City Council in accordance with the following formula:



(For example, if the average cost of suitable school lands within the school district is \$15,000 per acre and the student generation fee factor is 0.023, the SLD fee per dwelling unit would be \$15,000 x 0.023, or \$345.00.)

- (iii) The average cost per acre of suitable school lands within the school district (“average cost per acre for SLD fee”) and the student generation fee factor (“SGF factor”) shall be determined by City Council. Before City Council considers modification of either, a 60-day prior written notice shall be provided to the school district. If a written request for a public hearing specifying which factor, the average cost per acre for SLD fee and/or the SGF factor, the school district wants to be heard on is received by the City from the school district at least 30 days before the matter is scheduled to be determined by City Council, a public hearing shall occur. At a hearing where City Council is considering the modification of the average cost per acre for SLD fee, City Council shall consider the school district’s long range capital improvement plans and any other evidence, comments or recommendations submitted by the school district. At a hearing where City Council is considering the modification of the SGF factor, City Council shall consider the school district’s school facilities plan currently in place, the methodology and data supporting the proposed modification, and any evidence, comments or recommendations submitted by the school district.
- (iv) The SLD fee in effect as of January 1, 2006, was \$460.00. The SGF factor used to determine the SLD fee was 0.023. This SLD fee and SGF factor shall continue until otherwise modified by City Council as set forth in this Code.

Chapter 21.03 Zone Districts and Dimensional Standards

21.03.010 PURPOSE

The purpose of this section is to establish zone districts that:

- (a) Implement the Comprehensive Plan;
- (b) Encourage the most appropriate use of land throughout the City and to ensure logical and orderly growth and development of the physical elements of the City;
- (c) Prevent scattered, haphazard growth and guide the orderly development, infill, and redevelopment of urban areas;
- (d) Conserve and enhance economic, social, and aesthetic values;
- (e) Protect and maintain the integrity and character of established neighborhoods;
- (f) Facilitate provision of adequate public facilities and services, such as transportation, water, sewerage, schools, streets, and parks;
- (g) Promote the development of convenient and beneficial clusters of uses, including business and shopping facilities, in locations that provide safe walkability and reasonable vehicular access;
- (h) Provide for adequate light and clean air;
- (i) Aid in designing safe and effective mobility in the streets and public ways of the City;
- (j) Prevent unduly noisome and/or injurious substances, conditions, and operations in or near residential areas;
- (k) Secure safety from fire, panic, and other dangers; and
- (l) Promote the public health, safety, and welfare.

21.03.020 ZONING MAP

(a) Establishment

- (1) The boundaries of the zone districts established by this Code shall be shown on a map entitled Zoning Map of the City of Grand Junction. The Zoning Map is, by this reference, made a part of this Code.
- (2) The official Zoning Map shall be located in, and maintained by, the Community Development Department in keeping with the City Clerk's custodial requirements. An electronic version of the official map shall be displayed on the City of Grand Junction website or other online venue.
- (3) All amendments to the Zoning Map shall be shown on the map. Changes made to zone district boundaries shall be promptly entered on the Zoning Map after amendment by the City Council.

(b) Boundaries

The following rules shall be applied as necessary to interpret the Zoning Map. Rules of interpretation may be applied either singularly or jointly, as needed.

(1) Zone Boundaries

- (i) Zone boundaries shall be located on municipal corporate lines, section lines, parcel lines, natural feature boundary lines or on the center lines of highways, streets, alleys, railroad rights-of-way, water bodies (natural and man-made), ditches, or canals or these lines extended. Boundaries that appear to follow an established line shall be construed to follow the line.
- (ii) In cases where these lines are not used, the zone district lines shall be as determined by using the Zoning Map scale.
- (iii) Rights-of-way are not zoned unless vacated. Vacated ROW is zoned with the same district as the parcel into which it is incorporated or next to which it is adjacent. If a vacated ROW is adjacent to two or more zone districts the Director shall interpret the application of the Zoning Map.

(2) Zoning Standards

If a parcel of land is divided by a zone district boundary line at the time of enactment of this Code or by subsequent amendments, the appropriate standards and uses for each zone district shall apply on the portion of the parcel covered by that zone district.

(3) District Boundary Disputes

Disputes concerning the exact location of any zone district boundary line shall be decided in accordance with GJMC 21.02.040(e).

21.03.030 ZONE DISTRICT ESTABLISHMENT

(a) Zone Districts Created

- (1) To carry out the provisions of this title, the City is hereby divided into the following zone districts. The regulations in each zone district shall be uniform throughout that district but may differ from those in other districts.
- (2) Within the various zone districts and as indicated on the Zoning Map and subject to the requirements of those districts, no building or structure shall be erected, reconstructed, or structurally altered, nor shall any land, building or structure be used for any purpose except as allowed in the applicable zone district unless the provisions of GJMC Chapter 21.12 apply.

| Table 21.03-1: Zone Districts Summary | | |
|---------------------------------------|------------------------------------|--------------|
| Legacy Districts | Updated District Titles | Section |
| Residential | | |
| R-R: Residential – Rural | Residential – Rural, R-R | 21.03.050(d) |
| R-E: Residential – Estate | Residential – Estate Retired, R-ER | 21.03.050(e) |
| R-1: Residential – 1 | Residential 1 Retired, R-1R | 21.03.050(f) |
| R-2: Residential – 2 | Residential 2 Retired, R-2R | 21.03.050(g) |
| R-4: Residential – 4 | Residential Low 4, RL-4 | 21.03.050(h) |
| R-5: Residential – 5 | Residential Low 5, RL-5 | 21.03.050(i) |

| Table 21.03-1: Zone Districts Summary | | |
|---|--|----------------|
| Legacy Districts | Updated District Titles | Section |
| R-8: Residential – 8 | Residential Medium 8, RM-8 | 21.03.050(j) |
| R-12: Residential – 12 | Residential Medium 12, RM-12 | 21.03.050(k) |
| R-16: Residential – 16 | Residential High 16, RH-16 | 21.03.050(l) |
| R-24: Residential – 24 | Residential High 24, RH-24 | 21.03.050(m) |
| Mixed-Use Commercial | | |
| R-O: Residential – Office | Mixed-Use Neighborhood, MU-1 | 21.03.060(c) |
| B-1: Neighborhood Business | [Combined with R-O into MU-1] | |
| B-2: Downtown Business | Mixed-Use Downtown, MU-3 | 21.03.060(e) |
| M-U: Mixed Use | Mixed-Use Light Commercial, MU-2 | 21.03.060(d) |
| C-1: Light Commercial | [Combined with M-U into MU-2] | |
| BP: Business Park Mixed-Use | [Combined with M-U into MU-2] | |
| C-2 General Commercial | Commercial General, CG | 21.03.060(f) |
| MXR: Mixed Use Residential | [Combined with Residential Districts] | |
| MXG: Mixed Use General | [Combined with closest MU district] | |
| MXS: Mixed Use Shopfront | [Combined with closest MU district] | |
| MXOC: Mixed Use Opportunity Corridor | [Combined with MU-2] | |
| Industrial | | |
| I-O: Industrial/Office Park | Industrial/Office Park Retired, I-OR | 21.03.070(d) |
| I-1: Light Industrial | Industrial Light, I-1 | 21.03.070(e) |
| I-2: General Industrial | Industrial General, I-2 | 21.03.070(f) |
| Public, Parks, and Open Space | | |
| CSR: Community Services and Recreation (Parks and Open Space only) | Public Parks and Open Space, P-1 | 21.03.080(c) |
| CSR: Community Services and Recreation (Public, Civic and Institutional Facilities) | Public, Civic, and Institutional Campus, P-2 | 21.03.080(d) |
| Planned Development | | |
| PD: Planned Development | Planned Development, PD | 21.03.0100 |
| Overlay | | |
| AE: Airport Environs Overlay | Airport Environs Overlay, AE | 21.03.090 |
| H Road/Northwest Area | H Road/Northwest Area | GJMC Title 22 |
| North Avenue Overlay | North Avenue Overlay | GJMC Title 23 |
| Greater Downtown Overlay | Greater Downtown Overlay | GJMC Title 24 |

| Table 21.03-1: Zone Districts Summary | | |
|--|--|---------------|
| Legacy Districts | Updated District Titles | Section |
| 24 Road Corridor Standards | 24 Road Corridor Standards | GJMC Title 25 |
| North Seventh Avenue Historic Residential District | North Seventh Avenue Historic Residential District | GJMC Title 26 |
| Horizon Drive District Overlay | Horizon Drive District Overlay | GJMC Title 27 |

(b) Districts to Regulate Development and Implement the Comprehensive Plan

- (1) Table 21.03-2: identifies which zone district(s) appropriately implement(s) a given future land use designation identified in the Land Use Plan of the One Grand Junction Comprehensive Plan (“OGJ LUP”).
- (2) An OGJ LUP designation is a broad identified of future land use and can be implemented through more than one zone district. A dot indicates that the zone district implements the corresponding OGJ LUP designation and is therefore an appropriate option for zoning or rezoning of land within that designated area on the OGJ LUP map.
- (3) A blank cell (no dot) indicates that the zone district is not an appropriate option for zoning or rezoning of land within the corresponding OGJ LUP designation.
- (4) This Code includes zone districts that pre-date and do not implement the OGJ LUP. These zone districts have been carried forward to this Code and remain current and conforming zoning, but lack of implementation of an OGJ LUP designation may be considered reason for rezoning denial. This Code also includes zone districts that have been retired and to which property may not be rezoned. These districts are not included in the following table.

Chapter 21.03: Zone Districts and Dimensional Standards

21.03.030. Zone District Establishment

21.03.030(b) Districts to Regulate Development and Implement the Comprehensive Plan

| Table 21.03-2: Comprehensive Plan Implementation | | | | | | | | | |
|---|------------------|----------------|----------------|-----------------|------------------|-------------|------------|-----------------|-------------------------------|
| Zone Districts | Rural Res | Res Low | Res Med | Res High | Mixed Use | Comm | Ind | Air port | Parks & Open Space |
| Residential | | | | | | | | | |
| Residential – Rural | • | | | | | | | | |
| Residential – Estate | | | | | | | | | |
| Residential – 1 | | | | | | | | | |
| Residential - 2 | | | | | | | | | |
| Residential Low 4 | | • | | | | | | | |
| Residential Low 5 | | • | | | | | | | |
| Residential Medium 8 | | | • | | | | | | |
| Residential Medium 12 | | | • | | | | | | |
| Residential High 16 | | | | • | • | | | | |
| Residential High 24 | | | | • | • | | | | |
| Mixed-Use and Commercial | | | | | | | | | |
| Mixed-Use 1: Neighborhood | | | | • | • | | | | |
| Mixed-Use 2: Light Commercial | | | | | • | • | | | |
| Mixed-Use 3: Downtown | | | | | • | | | | |
| Commercial General | | | | | | • | • | | |
| Industrial | | | | | | | | | |
| Industrial 1: Light | | | | | | | • | | |
| Industrial 2: General | | | | | | | • | | |
| Public, Parks, and Open Space | | | | | | | | | |
| Public, Parks and Open Space, P-1 | • | • | • | • | • | | | | • |
| Public, Civic, and Institutional Campus, P-2 | • | • | • | • | • | • | | • | • |
| Planned Development | | | | | | | | | |
| Planned Development | | • | • | • | • | • | • | | |

21.03.040 DIMENSIONAL STANDARDS GENERAL RULES AND EXCEPTIONS

(a) Dimensional Standards Established by Zone District

- (1) The dimensional standards applicable to each zone district are located within that zone district.
- (2) Legally nonconforming lots may be developed per GJMC 21.12.050.
- (3) Exceptions and restrictions applicable to some dimensional standards are provided in this section. Other exceptions or restrictions may be provided for elsewhere in this Code. Where there is uncertainty about the applicability of dimensional exception, an applicant may request a Code Interpretation per GJMC 21.02.040(e).

(b) Flag Lots

Where permitted by the Director, flag lots shall meet the standards in GJMC Chapter 21.09.

(c) Height Exceptions

(1) Structures and Equipment

- (i) Zone district height limit exceptions are allowed for attached accessory structures as follows:

| Projection | Height Increase, max |
|--|-----------------------------------|
| Chimneys, stacks, vents, and flues | 30% over zone district max height |
| Antennas and towers (except as provided in Sec. xx, Wireless Communication Facilities) | 30 ft |
| Emergency sirens and similar devices | Any distance |
| Mechanical, electrical, and plumbing equipment; solar panels or solar array; air conditioner and evaporative coolers | 30% over zone district max height |
| Parapet walls, safety railings, and screening walls | 4 ft |
| Architectural features such as unoccupied belfries, flagpoles, spires, silos, domes, and windmills | 30% over zone district max height |

(2) Federal Aviation Administration Prohibitions

- (i) Any hazard or obstruction to aircraft as regulated by the FAA is prohibited. Buildings, belfries, towers, trees, and flagpoles are examples of such hazards depending on location and height.
- (ii) The construction, maintenance, or establishment of any building, tree, smokestack, chimney, flagpole, wire, tower or other structure or appurtenances thereto, which may constitute a hazard or obstruction to safe air navigation, landing, or takeoff of aircraft near an airport, is prohibited.
- (iii) Regulations adopted by the Federal Aviation Administration (FAA) shall be minimum standards. No request shall be approved if it violates FAA standards.

(d) Lot Area, Width, or Setback Exceptions

- (1) Unoccupied public utility installations, such as substations, shall be permitted in an area smaller than the minimum lot area prescribed by this Code. While coverage requirements shall not apply, all landscaping, screening and other requirements shall apply.
- (2) The location of minimum lot width measurement on existing, irregularly shaped lots may be adjusted by the Director to the widest location on the lot.
- (3) The minimum lot size, width, or required setbacks may be reduced (dimensional reduction) by the Director on lots abutting “tracts” (as defined below) where the following conditions are met and to the extent the abutting tract provides for a portion of the minimum lot size, width, or setback space:
 - (i) The abutting “tract” includes one or more of the following:
 - (A) A park, trail, or open space that has been dedicated to the City for the use of the general public;
 - (B) Public water or public sewer lines;
 - (C) A required landscape buffer;
 - (D) A required drainage facility; or
 - (E) Open space (whether required by this Code or otherwise established), which is land within a development designed for and perpetually limited to the common use or enjoyment of the residents or occupants of the development and/or the public, but not including areas used for streets, alleys, driveways, or off-street parking or loading areas.
 - (ii) Only that portion of the proposed lot line that is contiguous with the abutting tract may be used for purposes of determining the proposed dimensional reduction;
 - (iii) The dimensional reduction shall be less than or equal to the open area provided by the tract;
 - (iv) Maintenance of the tract shall be provided for in a binding agreement approved by the City;
 - (v) The tract is part of the subdivision or development that is the subject of the application.
 - (vi) Abutting tracts may not be used to reduce any dimension of an easement.

(e) Setback Exceptions

(1) Calculating Setbacks Across Contiguous Parcels

More than one contiguous parcel of land in the same ownership may be used for a principal use and to satisfy setback requirements for structures. The owner shall record an instrument, approved by the City Attorney, that limits the uses and rights to convey (including for loans) the contiguous parcel.

(2) Permitted Encroachments

- (i) Setback encroachments are building and site elements that project into or are located on the “non-buildable” side of a setback line, typically in a required setback area.
- (ii) Permitted encroachments, identified below, are allowed where the required dimension is measured by a setback line, not a build-to line.

| Table 21.03-4: Permitted Setback Encroachments | | |
|---|---|---|
| Permitted Encroachment | Encroachment into Principal Structure Setback | |
| | Front or Street Side Setback (max, feet) | Internal or Rear Setback (max, feet) |
| Building Element | | |
| Approved accessibility ramps | Any distance | Any distance |
| Bay windows | 3 | 3 |
| Belt courses, sills, lintels, pilasters, pediments | 1 | 1 |
| Breezeways, unenclosed | Not permitted | Not permitted |
| Carport, Open | Not permitted | Up to 0.5 into the setback, but not closer than 3 feet to the lot line |
| Chimneys not greater than 6 ft. in width | 2 | 2 |
| Eaves, roof overhangs, cornices, gutters, and downspouts | 6 | 6 |
| Porches, stoops, decks, terraces, balconies, and associated stairs (uncovered and unenclosed) | 6 feet into the setback, but no closer than 3 feet to any property line | 6 feet into the setback, but no closer than 3 feet to any property line |
| Shading devices such as awnings and canopies | 5 | 5 |
| Stairs and fire escapes (unenclosed) | 6 | 6 |
| Window wells | Any distance | 3 |
| Site Elements | | |
| Accessory Structure | Not permitted | Not permitted |
| Clothes lines and poles | Not permitted | Any distance |
| Driveway, curbs, and sidewalks | Any distance | Any distance |
| Fences and walls | Any distance | Any distance |
| Flagpoles and signs | Any distance | Any distance |
| Gardens and landscaping | Any distance | Any distance |
| Ornamental lights in yards and service areas | Any distance | Any distance |
| Play equipment | Not permitted | Not Permitted |

Table 21.03-4: Permitted Setback Encroachments

| Permitted Encroachment | Encroachment into Principal Structure Setback | |
|---|---|--------------------------------------|
| | Front or Street Side Setback (max, feet) | Internal or Rear Setback (max, feet) |
| Swimming pools and hot tubs including mechanical equipment and deck | Not permitted | Any distance |
| Trash containers | Not permitted | Not Permitted |
| Mechanical, Electric, and Plumbing Elements | | |
| Evaporative coolers or air conditioners (window) | 2 | 2 |
| Evaporative coolers or air conditioners (ground) | 3 | 3 |
| Gas and electric meters | 2 | 2 |
| Solar energy collectors and heat storage units | 3 | 3 |
| Underground utilities | Any distance | Any distance |
| Transformers | Not permitted | Not Permitted |

(3) Residential Setback Adjustments

(i) Zero Lot Line Development

In a zero lot line development, dwellings are shifted to one side of the lot to provide greater usable yard space on each lot.

- (A) A zero lot line development is allowed in any Residential zone district except in R-R, R-E, R-1R or R-2R.
- (B) The outside boundary of the permissible building envelope for each lot must be graphically depicted on a map and be recorded with the plat. The corresponding plat shall note the existence of the building envelope map and reference its recording information.
- (C) One side setback may be reduced down to zero. The street side setback and interior side setbacks abutting a property outside the project shall not change.
- (D) All zero lot line development shall comply with the following:
 - a. The minimum distance between adjacent structures in the development must be equal to twice the required side setback of the zone unless changed pursuant to a cluster.
 - 1. The eaves, including any gutters, on the side of the dwelling with the reduced setback may encroach up to 18 inches into the abutting lot within the project.

2. The building envelope map shall note the extent and location of the potential encroachment. Appropriate easements shall be created for maintenance/repair purposes.
 - b. A maintenance/repair easement shall be created when the eaves or side wall of a proposed house would be within four feet of the abutting property. In addition, any structure on the abutting lot is restricted to one or more feet from the common boundary so that after construction of both dwellings there remains at least five feet between the structures at all points, except when the structure is attached dwelling units.
 - c. If a side wall of a structure is on the property line, or within three feet of the property line, windows or other openings that allow for visibility into the side yard of the adjacent lot are not allowed. Openings do not allow for visibility into the side yard of the adjacent lot, such as a clerestory skylight or opaque window, are allowed.
 1. Windows that do not allow visibility into the side yard of the adjacent lot, such as a clerestory window or translucent window, are allowed.
 2. When openings are permitted, all building and fire codes shall apply.

(4) Setback Averaging

Regardless of the minimum front setback required by the zone district, a front or street side setback may be reduced to the average of the setbacks of the immediately adjoining lots that are on both sides of the subject lot. The following rules apply in calculating the average setback:

- (i) Only the setbacks on the lots that abut a side of the subject lot at the street and are on the same side of the street may be used. Setbacks across the street or along a different street may not be used; and
- (ii) When one abutting lot is vacant, or if the subject lot is a corner lot, then the average is calculated using the setback of the not vacant lot and the zone district minimum setback.
- (iii) Approval of setback averaging shall be in the form of a letter from the Director.

(5) Special Setbacks

The following special setbacks shall apply where noted:

- (i) On corner lots, in areas where an existing parkway strip exceeds 10 feet in width between a sidewalk and the curb, the front yard setback on a side street may be varied by the Director under the conditions and restrictions listed below. A side street shall be considered that street corresponding to the side yard of the majority of the structures on a block. In unusual or conflicting circumstances, the Director shall designate which street is the side street.
 - (A) No variance shall be approved to less than five feet from property line.
 - (B) A variance may be approved only for a single-family residential use.

- (C) Any variance approved shall meet all other provisions of this Code, including sight distance requirements. No variance shall be granted unless the City Engineer finds, in writing, that the proposal will not create a danger to pedestrians or vehicle circulation.
 - (D) No vehicular access shall be allowed from a side street to any structure approved for a variance under the provisions of this section.
 - (E) A variance shall only be effective if it is issued by the Director, contains the legal description and any terms and conditions, and is recorded by the applicant prior to issuance of a building permit.
- (ii) Accessory structures may be allowed in a front setback through an administrative adjustment (see GJMC 21.02.040(c)), unless prohibited in the zone district.

(f) Cluster Development

(1) Purpose

The purpose of cluster developments is to encourage the preservation of environmentally sensitive areas, open space, stands of three or more significant trees, and agricultural lands, while encouraging and providing the ability to develop at a density range supported by the Comprehensive Plan and those densities that are consistent with the property's zoning designation.

(2) Applicability

- (i) Cluster development is permitted in all Residential districts except RH-16 and RH-24.
- (ii) In any Residential zone district where clustering is permitted, the Director may approve lots that are smaller and arranged differently than otherwise allowed under this Code.

(3) Design Standards

Unless provided otherwise by the subdivision approval, cluster subdivisions must meet the following standards:

(i) Lot Size and Layout

- (A) The minimum lot size is the percentage of open space of total acres of the entire development multiplied by 1.5, with a resulting minimum lot size no smaller than 3,000 sq. ft. Expressed as an equation, this is:
- (B) $\text{Min. Lot Size} = (\text{existing min. lot size}) - ((\% \text{ open space} \times 1.5) \times \text{existing min. lot size})$
- (C) The minimum lot size requirement of the underlying zone district may then be reduced by the resulting percentage. The following table provides example lot sizes based on various open space reservations.

| Table 21.03-5: Cluster Development Lot Size Examples | | | | | |
|---|---------------------|-----------------------|-----------------------|-----------------------|-----------------------|
| Zone Districts | Min Lot Size | 20% Open Space | 30% Open Space | 50% Open Space | 66% Open Space |
| R-R | 5 acres | 3.5 acres | 2.75 acres | 1.25 acres | 2,178 sq. ft. |
| R-E | 1 acre | 30,492 sq. ft. | 23,958 sq. ft. | 16,890 sq. ft. | 2,000 sq. ft. |
| R-1R | 30,000 sq. ft. | 21,000 sq. ft. | 16,00 sq. ft. | 7,500 sq. ft. | 2,000 sq. ft. |
| R-2R | 15,000 sq. ft. | 10,500 sq. ft. | 8,250 sq. ft. | 3,750 sq. ft. | 2,000 sq. ft. |
| RL-4 | 7,000 sq. ft. | 4,900 sq. ft. | 3,850 sq. ft. | 3,000 sq. ft. | 2,000 sq. ft. |
| RL-5 | 4,000 sq. ft. | 3,000 sq. ft. | 3,000 sq. ft. | 3,000 sq. ft. | 2,000 sq. ft. |
| RM-8 | 3,000 sq. ft. | 2,100 sq. ft. | 2,000 sq. ft. | 2,000 sq. ft. | 2,000 sq. ft. |

- (D) Minimum lot size shall also be subject to other provisions, such as GJMC 21.06.010(f), which might further restrict lot size.
- (E) In no event shall any lot be less than 2,000 square feet.
- (F) Dimensional standard requirements for clustered lots are those of the district which has the closest lot sizes. For example, if an R-2R district is developed with 30 percent open space then the dimensional requirements of the RL-4 district apply.
- (G) Where clustering is used in areas that are not otherwise limited by topography or other natural features, lots shall generally be organized where lots located near adjacent developments are designed with similarly sized lots or should be planned where open space, buffering and/or other tools such as building envelopes and setbacks can help minimize impacts on existing adjacent development.

(ii) Open Space Size and Design

- (A) At least 20 percent of the gross acreage of a cluster development shall be open space.
- (B) Unless the Director approves otherwise, public open space shall abut or provide easy access to or protect other public land, especially federal land. Open space design and developer constructed improvements shall:
 - a. Be linked to existing and planned public open spaces, constructed areas and trails as the Director deems possible;
 - b. Maximize access and use by residents of the cluster development; and
 - c. Provide trails, paths and walkways to recreation areas, schools, commercial areas, and other public facilities.
- (C) The Director may require:
 - a. Paved pedestrian paths, located in rights-of-way or easements;
 - b. Paved bicycle ways; and

21.03.050 RESIDENTIAL DISTRICTS

(a) Residential Districts Established

The following Residential zone districts are established in this Code, as summarized in Table 21.03-1. When the Code refers to “Residential” zone districts, these districts are included:

| Table 21.03-6: Residential Zone Districts Summary | | |
|--|------------------------------------|----------------|
| Legacy Zone Districts | Zone District Name | Section |
| R-R: Residential – Rural | Residential – Rural, R-R | 21.03.050(d) |
| R-E: Residential – Estate | Residential – Estate Retired, R-ER | 21.03.050(e) |
| R-1: Residential – 1 | Residential 1 Retired, R-1R | 21.03.050(f) |
| R-2: Residential – 2 | Residential 2 Retired, R-2R | 21.03.050(g) |
| R-4: Residential – 4 | Residential Low 4, RL-4 | 21.03.050(h) |
| R-5: Residential – 5 | Residential Low 5, RL-5 | 21.03.050(i) |
| R-8: Residential – 8 and MXR-3: Mixed-Use Residential | Residential Medium 8, RM-8 | 21.03.050(j) |
| R-12: Residential – 12 and MXR-5: Mixed Use Residential | Residential Medium 12, RM-12 | 21.03.050(k) |
| R-16: Residential – 16 | Residential High 16, RH-16 | 21.03.050(l) |
| R-24: Residential – 24 and MXR-8: Mixed-Use Residential | Residential High 24, RH-24 | 21.03.050(m) |

(b) Purpose

The Residential zone districts are intended to:

- (1) Implement the goals, strategies, and future land use plan of the Grand Junction Comprehensive Plan;
- (2) Provide appropriately located areas for residential development in a range of patterns, housing mixes, and densities to create housing opportunities for the community;
- (3) Protect the character of existing residential neighborhoods while encouraging the creation of new neighborhoods and mixed-use living options;
- (4) Discourage the establishment of incompatible uses that would create safety, health, or quality of life concerns for the residents of Grand Junction.

(c) Standards Applicable to All Residential Zone Districts

(1) Setbacks

- (i) Setback averaging (GJMC 21.03.040(e)(4)) may be applied to primary and accessory setbacks and the vehicle storage setback may be adjusted proportionately.
- (ii) Attached single-family dwellings that front onto a private drive, shared drive, parking lot, or other private access way shall be set back a minimum of 15 feet from the edge of the access way, with front loading garages set back a minimum of 20 feet from any vehicular or pedestrian access way.

(d) Residential Rural (R-R)

(1) Intent

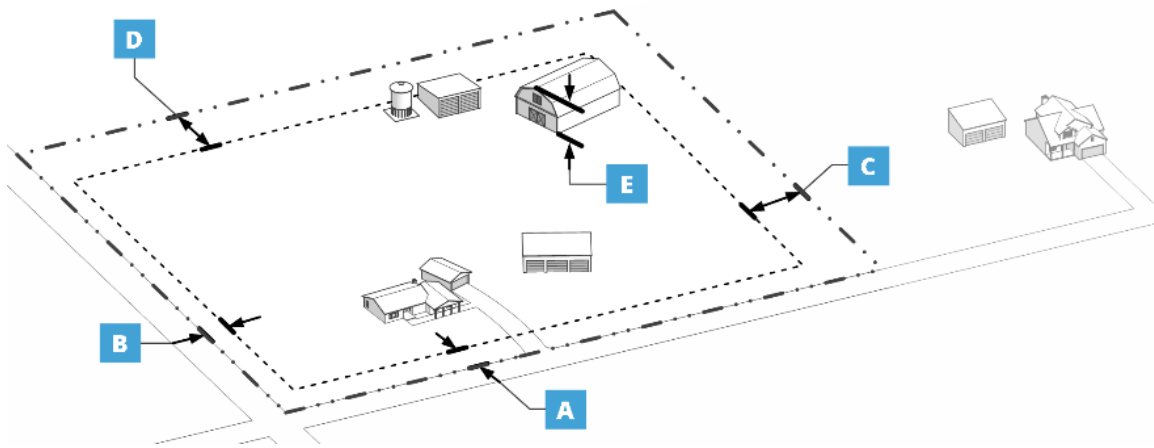
To provide areas for low intensity agricultural operations and large lot single-family detached dwelling uses in a rural setting. This district is appropriate for the Rural Residential future land use designation or where terrain and/or lack of public facilities and services require low intensity development, as indicated in Table 21.03-2: Comprehensive Plan Implementation.

(2) Sewer and Roads

Each structure shall be served by the Persigo 201 Sewer System unless waived by the City Council. Rural road standards may apply.

(3) Uses and Dimensions

- (i) Permitted principal and accessory uses are identified in GJMC Chapter 21.04.
- (ii) The following dimensions apply in the R-R zone district:



| Lot Standards | |
|--|----------------|
| Dimensions (min, length ft or area sf) | |
| Lot area | 5 acres |
| Lot width | 150 |
| Lot frontage | 50 |
| Density (units/acre) | |
| Minimum units/acre | n/a |
| Maximum units/acre | 1 unit/5 acres |
| Cluster allowed per 21.03.040(f)? | Yes |
| Lot Coverage (max, %) | |
| Lot coverage | 5 |

| Building Standards | | |
|---|-------------|----|
| Setbacks: Principal Structure (min, ft) | | |
| A | Front | 20 |
| B | Street Side | 20 |
| C | Side | 50 |
| D | Rear | 50 |
| Setbacks: Accessory Structure (min, ft) | | |
| | Front | 25 |
| | Street Side | 25 |
| | Side | 50 |
| | Rear | 50 |
| Height (max, ft) | | |

Chapter 21.03: Zone Districts and Dimensional Standards

21.03.050. Residential Districts
21.03.050(d) Residential Rural (R-R)

Lot Standards

Building Standards

| | | |
|----------|--------|----|
| E | Height | 35 |
|----------|--------|----|

Notes: See 21.03.050(c) for setback adjustments

(e) Residential Estate Retired (R-ER)

(1) Intent

The Residential Estate zone district has been retired from future use. Property that is zoned R-E as of the Effective Date shall be permitted to continue as conforming to this Code but rezoning any additional areas to R-E is prohibited. The intent of the R-ER zone district is to provide areas for low density, estate-type single-family residential detached dwelling development on lots of at least one acre in size.

(2) Sewer and Roads

Each structure shall be served by the Persigo 201 Sewer System unless waived by the City Council. Rural road standards may apply.

(3) Uses and Dimensions

- (i) Permitted principal and accessory uses are identified in GJMC Chapter 21.04.
- (ii) The following dimensions apply in the R-ER zone district:

| Lot Standards | |
|--|---------|
| Dimensions (min, length ft or area sf) | |
| Lot area | 1 acre |
| Lot width | 150 |
| Lot frontage | 50 |
| Cul-de-sac | 30 |
| Density (units/acre) | |
| Minimum Maximum | n/a 1 |
| <i>Density measurement GJMC 21.14.010(a)</i> | |
| Cluster allowed per 21.03.040(f) | Yes |
| Lot Coverage (max, %) | |
| Lot coverage | 15 |

| Building Standards | |
|---|----|
| Setback: Principal Structure (min, ft) | |
| Front | 20 |
| Street Side | 15 |
| Side | 15 |
| Rear | 30 |
| Setback: Accessory Structure (min, ft) | |
| Front | 25 |
| Street Side | 20 |
| Side | 5 |
| Rear | 10 |
| Height (max, ft) | |
| Height | 35 |
| Notes: See 21.03.050(c) for setback adjustments | |

(f) Residential 1 Retired (R-1R)

(1) Intent

The Residential 1 zone district has been retired from future use. Property that is zoned R-1 as of the Effective Date shall be permitted to continue as conforming to this Code but rezoning any additional areas to R-1 is prohibited. R-1R development shall comply with the dimensional standards in this section and general standards in other sections of this Code. The intent of the R-1R zone district is to provide areas for low density residential uses in less intensely developed areas.

(2) Uses and Dimensions

- (i) Permitted principal and accessory uses are identified in GJMC Chapter 21.04.
- (ii) The following dimensions apply in the R-1R zone district:

| Lot Standards | |
|--|---------|
| Dimensions (min, length ft or area sf) | |
| Lot area | 30,000 |
| Lot width | 100 |
| Lot frontage | 50 |
| Cul-de-sac | 30 |
| Density (units/acre) | |
| Minimum Maximum | n/a 1 |
| <i>Density measurement GJMC 21.14.010(a)</i> | |
| Cluster allowed per 21.03.040(f) | Yes |
| Lot Coverage (max, %) | |
| Lot coverage | 20 |

| Building Standards | |
|--|----|
| Setback: Principal Structure (min, ft) | |
| Front | 20 |
| Street Side | 15 |
| Side | 15 |
| Rear | 30 |
| Setback: Accessory Structure (min, ft) | |
| Front | 25 |
| Street Side | 20 |
| Side | 3 |
| Rear | 10 |
| Height (max, ft) | |
| Height | 35 |

(g) Residential 2 Retired (R-2R)

(1) Intent

The Residential 2 zone district has been retired from future use. Property that is zoned R-2 as of the Effective Date shall be permitted to continue as conforming to this Code but rezoning any additional areas to R-2 is prohibited. The intent of the R-2R district is to provide areas for single-family and two-family residential uses where adequate public facilities and services exist.

(2) Uses and Dimensions

- (i) Permitted principal and accessory uses are identified in GJMC Chapter 21.04.
- (ii) The following dimensions apply in the R-2R zone district:

| Lot Standards | |
|--|---------|
| Dimensions (min, length ft or area sf) | |
| Lot Area (per structure, not unit) | 15,000 |
| Lot Width | 100 |
| Lot Frontage | 50 |
| Cul-de-sac (min. ft) | 30 |
| Density (units/acre) | |
| Minimum Maximum | n/a 2 |
| <i>Density measurement GJMC 21.14.010(a)</i> | |
| Cluster allowed per 21.03.040(f) | Yes |
| Lot Coverage (max, %) | |
| Lot Coverage | 30 |

| Building Standards | |
|---|----|
| Setbacks: Principal Structure (min, ft) | |
| Front | 20 |
| Street Side | 15 |
| Side | 15 |
| Rear | 30 |
| Setback: Accessory Structure (min, ft) | |
| Front | 25 |
| Street Side | 20 |
| Side | 3 |
| Rear | 5 |
| Height (max, ft) | |
| Height | 35 |
| Notes: See 21.03.050(c) for setback adjustments | |

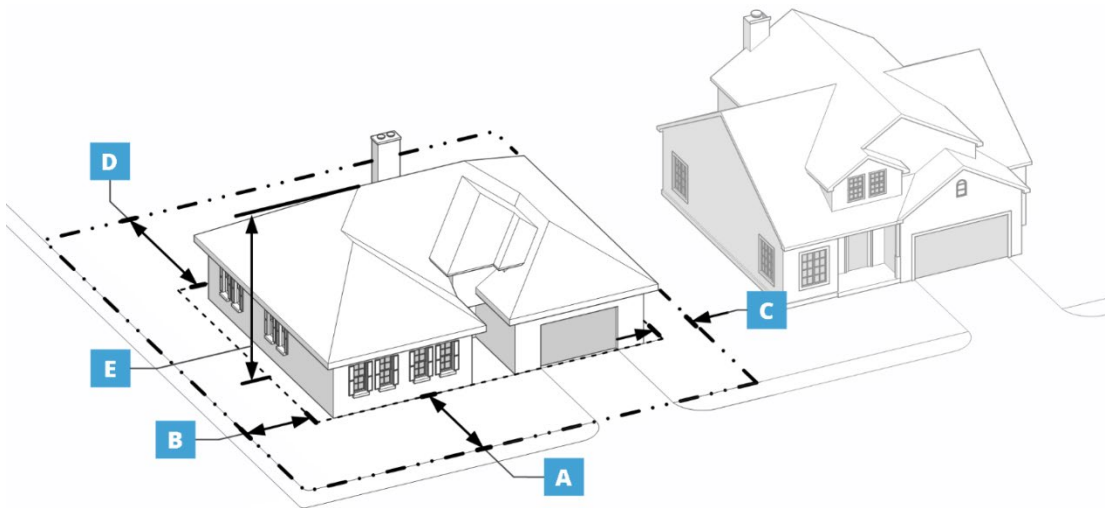
(h) Residential Low 4 (RL-4)

(1) Intent

To provide for single-family and two-family residential uses where adequate public facilities and services are available. The RL-4 zone district is appropriate to implement the Residential Low future land use designation, as indicated in Table 21.03-2: Comprehensive Plan Implementation, and may be used as a transition between Rural Residential more intense RL-5 for RM-8 zone districts.

(2) Uses and Dimensions

- (i) Permitted principal and accessory uses are identified in GJMC Chapter 21.04.
- (ii) The following dimensions apply in the R-4 zone district:



| Lot Standards | |
|--|------------------|
| Dimensions (min, length ft or area sf) | |
| Lot Area | |
| Single Unit, Duplex | 7,000/structure |
| Single-Family Attached | 2,500/unit |
| Multifamily | Not allowed |
| Civic and Institutional | 20,000/structure |
| Lot Width | |
| Lot area measured by structure | 70 |
| Lot area measured by unit | 25 |
| Lot Frontage | 20 |
| Cluster allowed per 21.03.040(f) | Yes |
| Density (units/acre) | |

| Building Standards | | |
|---|-------------|----|
| Setbacks: Principal Structure (min, ft) | | |
| A | Front | 15 |
| B | Street Side | 15 |
| C | Side | 7 |
| D | Rear | 25 |
| Setbacks: Accessory Structure (min, ft) | | |
| | Front | 25 |
| | Street Side | 20 |
| | Side | 3 |
| | Rear | 5 |
| Height (max, ft) | | |

Chapter 21.03: Zone Districts and Dimensional Standards

21.03.050. Residential Districts
 21.03.050(h) Residential Low 4 (RL-4)

| Lot Standards | |
|----------------------------------|-----------------------|
| Minimum Maximum | 2 4 |
| Cluster allowed per 21.03.040(f) | Yes |
| Lot Coverage (max, %) | |
| Lot Coverage | 50 |
| Maximum Number of Dwelling Units | |
| Single-Family Attached | 4 |
| All Other Residential Uses | As allowed by density |

| Building Standards | | |
|--------------------|--------|----|
| E | Height | 40 |

Notes: See 21.03.050(c) for setback adjustments

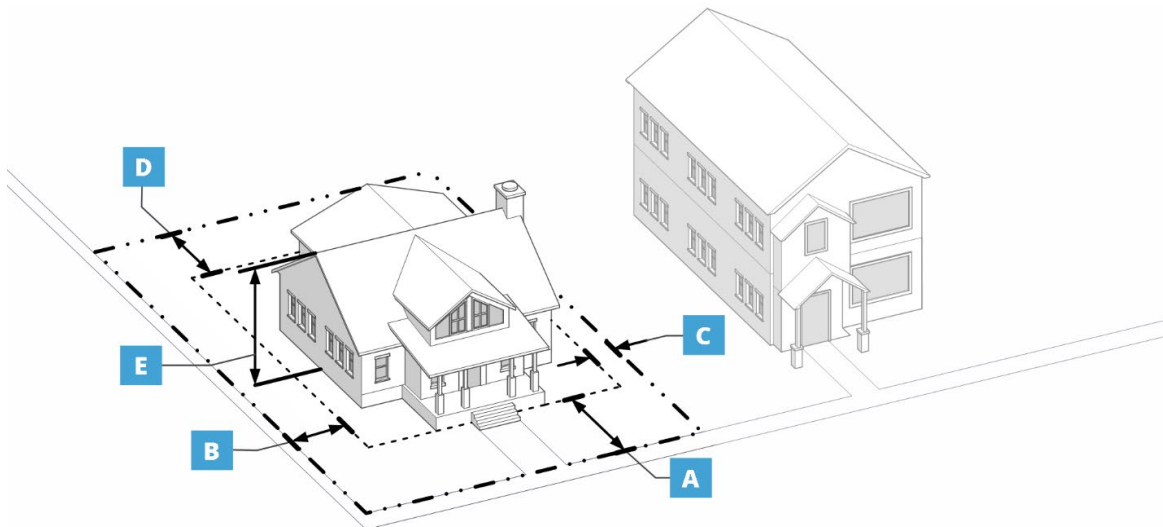
(i) Residential Low 5 (RL-5)

(1) Intent

To provide for a low-density development pattern that may include detached and attached dwellings along with small-scale multifamily structures in the Residential Low future land use designation, as indicated in Table 21.03-2: Comprehensive Plan Implementation.

(2) Uses and Dimensions

- (i) Permitted principal and accessory uses are identified in GJMC Chapter 21.04.
- (ii) The following dimensions apply in the RL-5 zone district.



| Lot Standards | |
|--|-----------------|
| Dimensions (min, length ft or area sf) | |
| Lot Area | |
| Single Unit, Duplex | 4,000/structure |
| Single-Family Attached | 2,000/unit |
| Multifamily | No min |
| Civic and Institutional | 20,000 |
| Lot Width | |
| Lot area measured by structure | 40 |
| Lot area measured by unit | 20 |
| Lot Frontage | 20 |
| Cluster allowed per 21.03.040(f) | Yes |
| Density (units/acre) | |
| Minimum Maximum | 3 5.5 |

| Building Standards | | |
|---|-------------|----|
| Setbacks: Principal Structure (min, ft) | | |
| A | Front | 15 |
| B | Street Side | 15 |
| C | Side | 5 |
| D | Rear | 15 |
| Setbacks: Accessory Structure (min, ft) | | |
| | Front | 25 |
| | Street Side | 20 |
| | Side | 3 |
| | Rear | 5 |
| Height (max, ft) | | |
| E | Height | 40 |

Chapter 21.03: Zone Districts and Dimensional Standards

21.03.050. Residential Districts

21.03.050(i) Residential Low 5 (RL-5)

| | |
|---|--------------------------|
| Lot Coverage (max, %) | |
| Lot Coverage | 60 |
| Maximum Number of Dwelling Units | |
| Multifamily | 4 |
| All Other Residential Uses | As allowed by density |

Notes: See 21.03.050(c) for setback adjustments

(j) Residential Medium 8 (RM-8)

(1) Intent

To provide for medium density detached dwellings, two-family and other attached single-family dwellings, and medium-sized multifamily structures. RM-8 is appropriate for the creation of neighborhoods with a mix of housing types or as a transitional district between low density zone districts such as RL-4 and higher density multifamily or Mixed-Use districts. RM-8 is appropriate as indicated in Table 21.03-2: Comprehensive Plan Implementation.

(2) Uses and Dimensions

- (i) Permitted principal and accessory uses are identified in GJMC Chapter 21.04.
- (ii) The following dimensions apply in the RM-8 zone district.



| Lot Standards | |
|--|-----------------|
| Dimensions (min, length ft or area sf) | |
| Lot Area | |
| Single Unit or Duplex | 3,000/structure |
| Single Family Attached | 1,200/unit |
| Multifamily | No min |
| Civic and Institutional | 20,000 |
| Lot Width | |
| Lot Area Set by Structure | 40 per lot |
| Lot Area Set by Unit | 16 per unit |
| Lot Frontage | 20 per lot |
| Density (units/acre) | |
| Minimum Maximum | 5.5 8 |
| Lot Coverage (max, %) | |
| Lot coverage | 75 |

| Building Standards | | |
|-------------------------------------|-------------|----|
| Setbacks: Structure (min) | | |
| A | Front [1] | 15 |
| B | Street Side | 15 |
| C | Side | 5 |
| D | Rear | 10 |
| Setbacks: Accessory Structure (min) | | |
| | Front | 25 |
| | Street Side | 20 |
| | Side | 3 |
| | Rear | 5 |
| Height (max, ft) | | |
| E | Height | 50 |

Notes: [1] Vehicle storage, including a garage, required front setback is 20 ft.

See 21.03.050(c) for setback adjustments

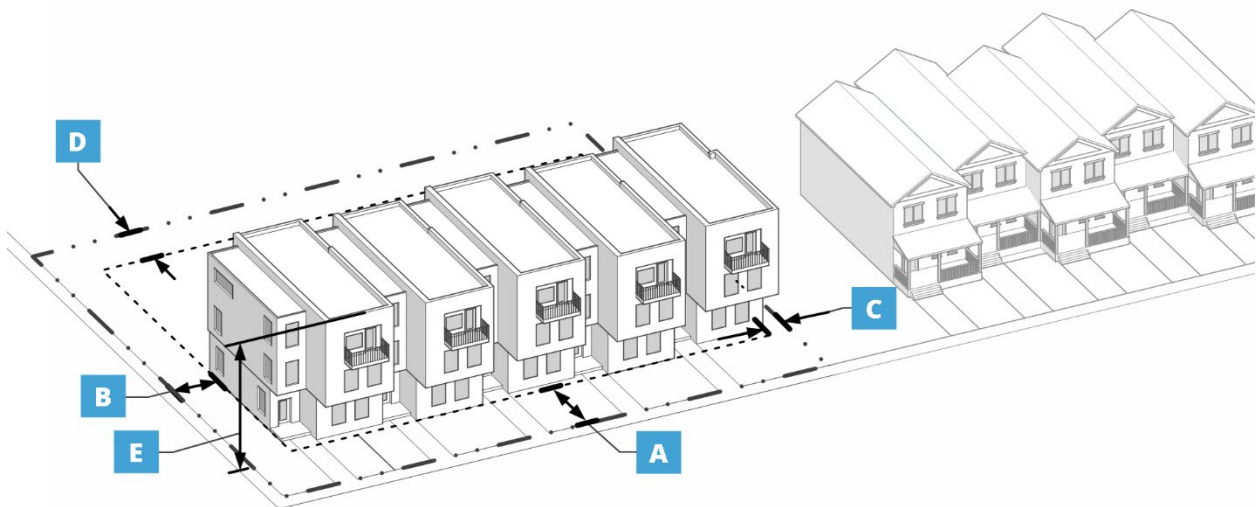
(k) Residential Medium 12 (RM-12)

(1) Intent

To provide for medium density development allowing several types of residential units within specified densities. RM-12 is appropriate for the creation of a neighborhood with a mix of housing types and may serve as a transitional district between Residential Low zone districts and higher density residential or mixed-use development. RM-12 is appropriate as indicated in Table 21.03-2: Comprehensive Plan Implementation.

(2) Uses and Dimensions

- (i) Permitted principal and accessory uses are identified in GJMC Chapter 21.04.
- (ii) The following dimensions apply in the RM-12 zone district.



| Lot Standards | |
|--|-------------|
| Dimensions (min, length ft or area sf) | |
| Lot Area, any type of unit | No min |
| Lot Width | 30 per lot |
| Triplex, Fourplex, Townhome | 16 per unit |
| Lot Frontage | 20 |
| Density (units/acre) GJMC 21.14.010(a) | |
| Minimum Maximum | 8 12 |
| Lot Coverage (max, %) | |
| Lot coverage | 75 |

Notes: [1] Single-family attached vehicle storage, including a garage, required front setback is 20 ft. See 21.03.050(c) for setback adjustments

| Building Standards | | |
|-------------------------------------|------------------------|----|
| Setbacks: Principal Structure (min) | | |
| A | Front [1] | 15 |
| B | Street Side | 15 |
| C | Side | 5 |
| D | Rear | 10 |
| Setbacks: Accessory Structure (min) | | |
| | Front | 25 |
| | Street Side | 20 |
| | Side | 3 |
| | Rear | 5 |
| Height (max, ft) | | |
| E | Multifamily | 65 |
| | Single-Family Attached | 50 |

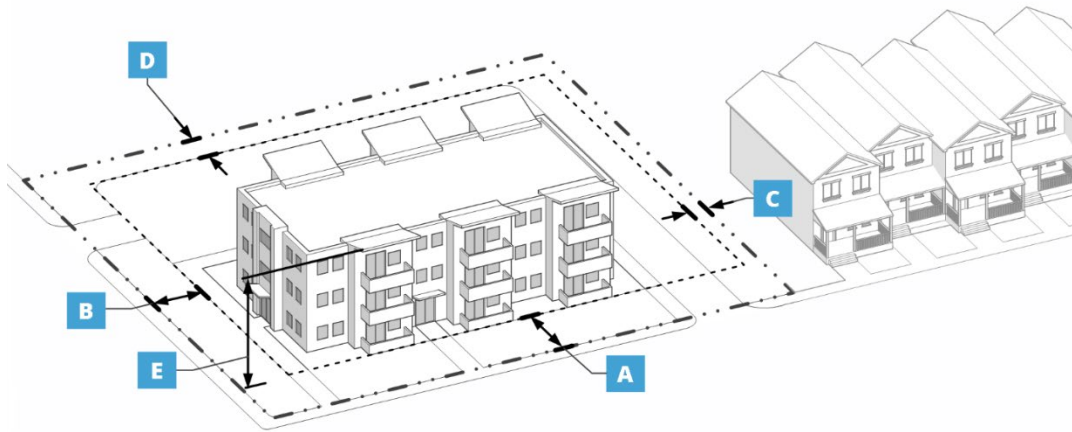
(l) Residential High 16 (RH-16)

(1) Intent

To provide for high density residential use. This district allows multifamily development within specified densities. This district is intended to allow high density residential unit types and densities to provide a balance of housing opportunities in the community. RH-16 may also serve as a transitional district between Residential Medium and Mixed-Use or Commercial future land use designations and zone districts. RH-16 is appropriate as indicated in Table 21.03-2: Comprehensive Plan Implementation.

(2) Uses and Dimensions

- (i) Permitted principal and accessory uses are identified in GJMC Chapter 21.04
- (ii) The following dimensions apply in the RH-16 zone district:



| Lot Standards | |
|--|-------------|
| Dimensions (min, length ft or area sf) | |
| Lot Area any type of unit | No min |
| Lot Width | 30 per lot |
| Triplex, Fourplex, Townhome | 16 per unit |
| Lot Frontage | 20 |
| Density (units/acre) | |
| Minimum Maximum | 12 16 |
| <i>Density measurement GJMC 21.14.010(a)</i> | |
| Lot Coverage (max, %) | |
| Lot coverage | 75 |
| Notes: [1] Single-family attached vehicle storage, including a garage, required front setback is 20 ft. See 21.03.050(c) for setback adjustments | |

| Building Standards | | |
|-------------------------------------|------------------------|----|
| Setbacks: Principal Structure (min) | | |
| A | Front [1] | 15 |
| B | Street Side | 15 |
| C | Side | 5 |
| D | Rear | 10 |
| Setbacks: Accessory Structure (min) | | |
| | Front | 25 |
| | Street Side | 20 |
| | Side | 3 |
| | Rear | 5 |
| Height (max, ft) | | |
| E | Multifamily | 60 |
| | Single Family Attached | 50 |

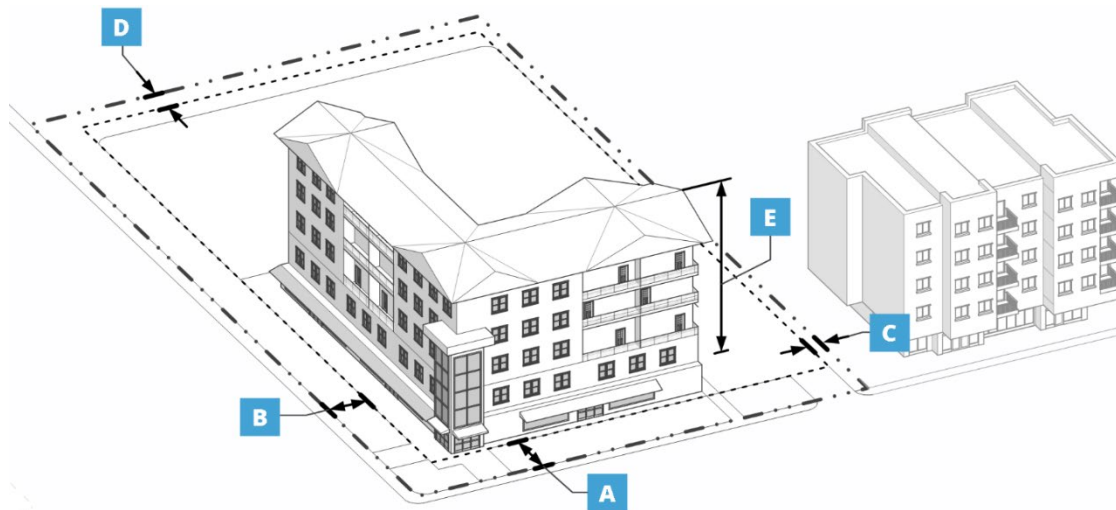
(m) Residential High 24 (RH-24)

(1) Intent

To provide for high density residential use. RH-24 allows multifamily development within specified densities. This district is intended to allow high density residential unit types and densities to provide a balance of housing opportunities in the community. RH-24 may also serve as a transitional district between Residential Medium and Mixed-Use or Commercial future land use designations and zone districts. RH-24 is appropriate as indicated in Table 21.03-2: Comprehensive Plan Implementation.

(2) Uses and Dimensions

- (i) Permitted principal and accessory uses are identified in GJMC Chapter 21.04
- (ii) The following dimensions apply in the RH-24 zone district.



| Lot Standards | |
|--|-------------|
| Dimensions (min, length ft or area sf) | |
| Lot Area, all unit types | No min |
| Lot Width | 30 per lot |
| Triplex, Fourplex, Townhome | 16 per unit |
| Lot Frontage | 20 |
| Density (units/acre) | |
| Minimum Maximum | 16 N/A |
| <i>Density measurement GJMC 21.14.010(a)</i> | |
| Lot Coverage (max, %) | |
| Lot coverage | 80 |
| Notes: [1] Single-family attached vehicle storage, including a garage, required front setback is 20 ft. See 21.03.050(c) for setback adjustments | |

| Building Standards | | |
|-------------------------------------|------------------------|-----|
| Setbacks: Principal Structure (min) | | |
| A | Front [1] | 15 |
| B | Street Side | 15 |
| C | Side | 5 |
| D | Rear | 10 |
| Setbacks: Accessory Structure (min) | | |
| | Front | 25 |
| | Street Side | 20 |
| | Side | 3 |
| | Rear | 5 |
| Height (max, ft) | | |
| E | Multifamily | 100 |
| | Single-Family Attached | 50 |

21.03.060 MIXED-USE DISTRICTS

(a) Districts Established

The following Mixed-Use zone districts are established in this Code, as summarized in Table 21.03-1. When the Code refers to “Mixed-Use” zone districts, these districts are included:

| Legacy Zone Districts | Zone District Name | Section |
|--|----------------------------------|----------------|
| R-O: Residential – Office B-1: Neighborhood Business | Mixed-Use Neighborhood, MU-1 | 21.03.060(c) |
| M-U: Mixed Use C-1: Light Commercial BP: Business Park Mixed-Use MXOC: Mixed-Use Opportunity Corridor | Mixed-Use Light Commercial, MU-2 | 21.03.060(d) |
| B-2: Downtown Business | Mixed-Use Downtown, MU-3 | 21.03.060(e) |
| C-2: General Commercial | Commercial General, CG | 21.03.060(f) |

(b) Purpose

The Mixed-Use districts are intended to:

- (1) Implement the vision, strategies, and future land use plan of the Grand Junction Comprehensive Plan;
- (2) Create and enhance neighborhoods with variety of residential and commercial uses at a scale that complements the established surrounding areas;
- (3) Provide for a mixed-use centers of activity that support but do not compete with each other;
- (4) Allow for different types of compatible land uses close together in appropriate locations to shorten transportation trips and facilitate multi-modal transportation; and
- (5) Encourage infill and redevelopment of commercial, residential, and mixed-use development within surrounding uses.

(c) Mixed-Use Neighborhood (MU-1)

(1) Intent

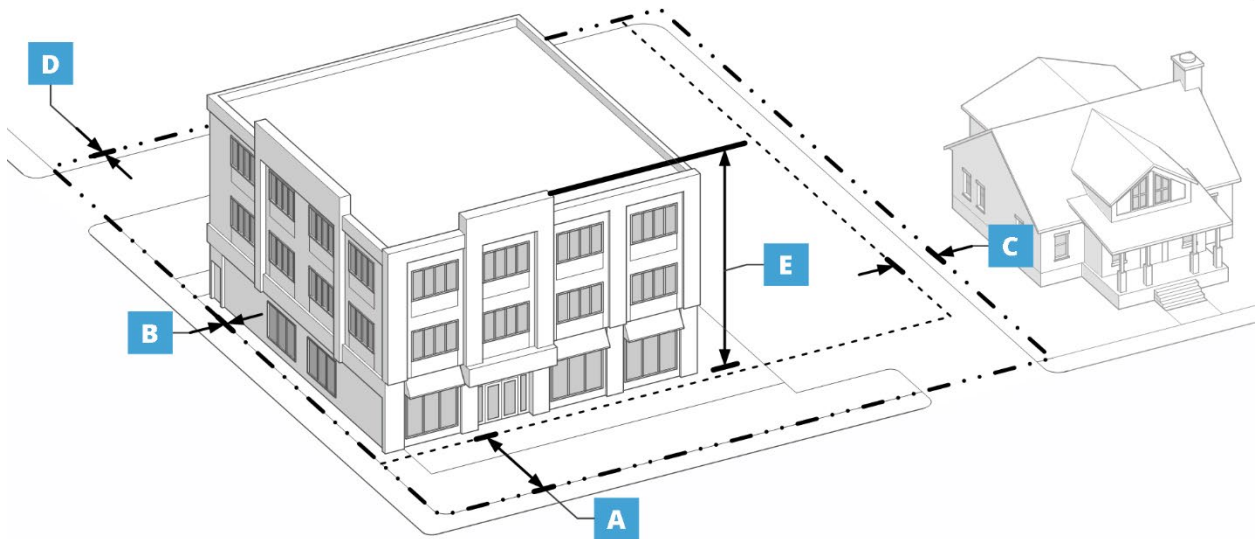
The MU-1 district is intended to provide low intensity, neighborhood service, office, and limited retail uses that can include second residential uses and are compatible with adjacent residential neighborhoods. Development should be compatible and complementary in scale and appearance to a residential environment. MU-1 is appropriate as indicated in Table 21.03-2: Comprehensive Plan Implementation.

(2) Uses

Permitted principal and accessory uses are identified in GJMC Chapter 21.04.

(3) Dimensions

- (i) The following dimensions apply in the MU-1 zone district as follows:
 - (A) Structures that are designed for residential use only shall comply with the dimensional standards of the Residential zone district referenced here. Residential development shall comply with the density standards provided for MU-1.
 - (B) Structures that are either mixed-use or nonresidential shall comply with the dimensional standards for MU-1 provided here.



| Lot Standards | |
|-----------------------------------|---------------|
| Residential Standards | |
| Applicable district standards [1] | RM-8 or RM-12 |
| Minimum Density | 8 du/acre |
| Mixed-Use Lot Standards | |
| Lot Area (min, ft) | 4,000 |

| Building Standards | | |
|-------------------------------------|---------------------------|----|
| Setbacks: Principal Structure (min) | | |
| A | Front | 15 |
| B | Side | 0 |
| C | Side Abutting Residential | 5 |
| D | Rear | 10 |

Chapter 21.03: Zone Districts and Dimensional Standards

21.03.060. Mixed-Use Districts

21.03.060(c) Mixed-Use Neighborhood (MU-1)

| Lot Standards | |
|--|--------------|
| Lot Width (min, ft) | 50 |
| Lot Coverage (max, %) | 70 |
| Parking, Loading, Service | |
| Access and Location | Side or Rear |
| Use Limits | |
| Outdoor uses are not allowed on residential-only lots | |
| Notes: [1] Either district may be chosen at rezoning; the chosen district shall be applied consistently. | |

| Building Standards | | |
|-------------------------------------|---------------------------|--------|
| Setbacks: Accessory Structure (min) | | |
| | Front | 25 |
| | Side | 0 |
| | Side Abutting Residential | 5 |
| | Rear | 0 |
| Height (max, ft) | | |
| E | Height | 40 |
| Gross Floor Area (max, sf) | | |
| | Retail | 15,000 |
| | Office | 30,000 |

(d) Mixed-Use Corridor (MU-2)

(1) Intent

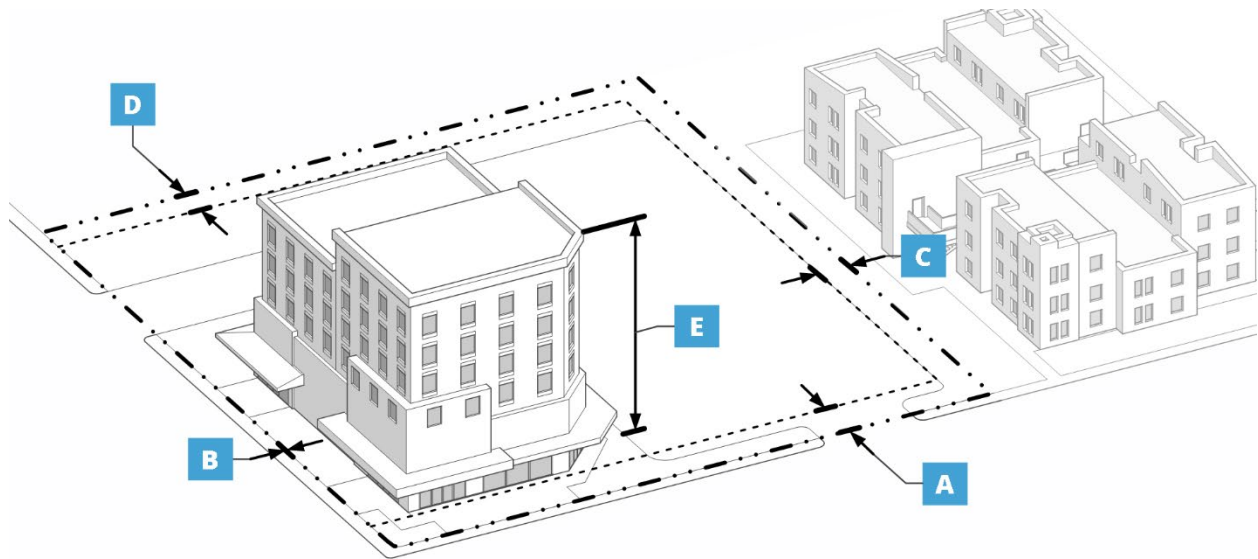
The MU-2 district is intended to accommodate commercial, employment, multifamily, and other uses along transportation corridors to promote development that is comfortably accessible via all modes of transportation, including motor vehicles, bicycles, and walking. Commercial uses in the MU-2 district may be somewhat larger in scale and more flexible than the MU-1 district, including more auto-oriented uses such as gas stations. While ground stories along streets are intended for commercial uses, the upper stories are appropriate for residential and/or office uses. MU-2 is appropriate as indicated in Table 21.03-2: Comprehensive Plan Implementation.

(2) Uses

Permitted principal and accessory uses are identified in GJMC Chapter 21.04.

(3) Dimensions

- (i) The following dimensions apply in the MU-2 zone district as follows:
 - (A) Structures that are designed for residential use only shall comply with the dimensional standards of the Residential zone district referenced here. Residential development shall comply with the density standards provided for MU-2.
 - (B) Structures that are either mixed-use or nonresidential shall comply with the dimensional standards for MU-2 provided here.



| Lot Standards | |
|-------------------------------|----------------|
| Residential Standards | |
| Applicable district standards | RH-16 or RH-24 |
| Minimum Density | 16 du/acre |

| Building Standards | | |
|-------------------------------------|-------|----|
| Setbacks: Principal Structure (min) | | |
| A | Front | 15 |
| B | Side | 0 |

Chapter 21.03: Zone Districts and Dimensional Standards

21.03.060. Mixed-Use Districts

21.03.060(d) Mixed-Use Corridor (MU-2)

| Lot Standards | |
|--|--------|
| Mixed-Use Lot Standards | |
| Lot Area (min, ft) | 20,000 |
| Lot Width (min, ft) | 50 |
| Lot Coverage (max, %) | 100 |
| Parking, Loading, Service | |
| Access and Location: Alley where available, otherwise side or rear | |
| Notes: [1] 0 feet for a lot on an alley. | |

| Building Standards | | |
|--|---------------------------|--------|
| C | Side Abutting Residential | 10 |
| D | Rear | 10 [1] |
| Setbacks: Accessory Structure (min) | | |
| | Front | 25 |
| | Side | 0 |
| | Side Abutting Residential | 5 |
| | Rear | 10 |
| Height (max, ft) | | |
| E | Height | 65 |
| Use Limits | | |
| Outdoor storage is not allowed within the front setback. | | |

(e) Mixed-Use Downtown (MU-3)

(1) Intent

The MU-3 Downtown district is intended to provide highly walkable downtown retail, service, office, lodging, and mixed uses with ground story storefronts and upper story residential, lodging, and office uses. Downtown Grand Junction is intended to be attractive to both residents and visitors and should include active public spaces and a range of community amenities. The scale of new development and redevelopment can be larger than current structures but must incorporate transitions between larger and smaller structures. Retaining the historic character of Downtown is an important priority to balance with the consideration of new and redevelopment. MU-3 is appropriate as indicated in Table 21.03-2: Comprehensive Plan Implementation.

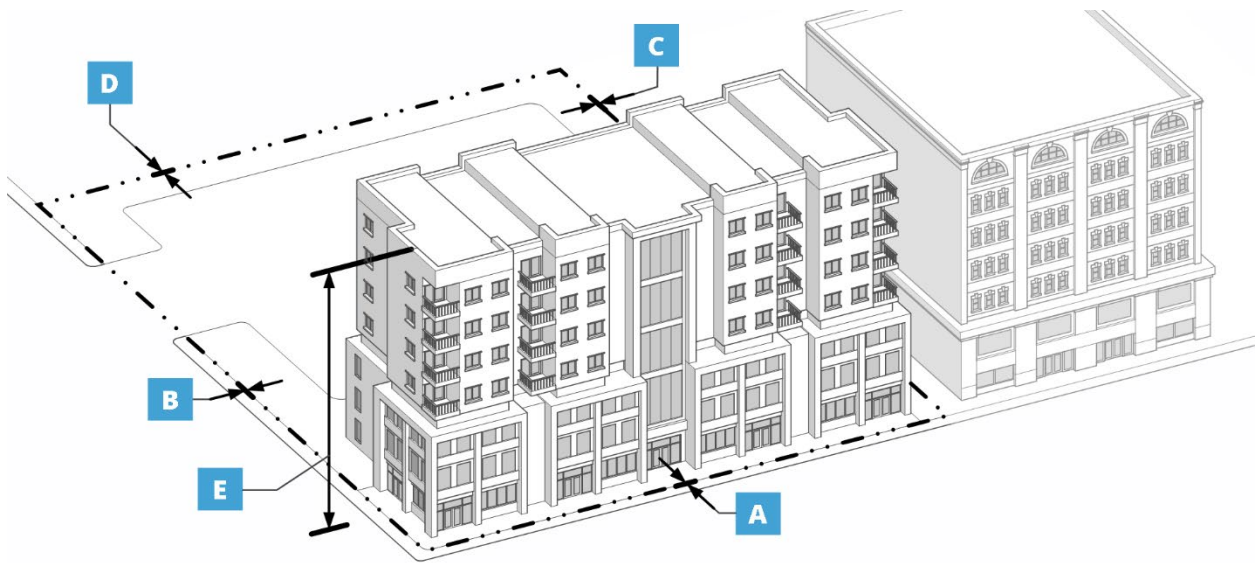
(2) Uses

Permitted principal and accessory uses are identified in GJMC Chapter 21.04.

(3) Dimensions

(i) The following dimensions apply in the MU-3 zone district as follows:

- (A) Structures that are designed for residential use only shall comply with the dimensional standards of the Residential zone district referenced here. Residential development shall comply with the density standards provided for MU-3.
- (B) Structures that are either mixed-use or nonresidential shall comply with the dimensional standards for MU-3 provided here.



| Lot Standards | |
|-------------------------------|-----------|
| Residential Standards | |
| Applicable district standards | RH-16 |
| Minimum Density | 8 du/acre |

| Building Standards | | |
|-------------------------------------|-------|---|
| Setbacks: Principal Structure (min) | | |
| A | Front | 0 |
| B | Side | 0 |

| Lot Standards | | Building Standards | | |
|---|-----|--|---------------------------|----|
| Mixed-Use Lot Standards | | C | Side Abutting Residential | 0 |
| Lot Area (min, ft) | n/a | D | Rear | 0 |
| Lot Width (min, ft) | n/a | Setbacks: Accessory Structure (min) | | |
| Lot Coverage (max, %) | 100 | | Front | 25 |
| Parking, Loading, Service | | | Side | 0 |
| Access: Alley where available, otherwise side or rear | | | Side Abutting Residential | 0 |
| Location: Side or Rear | | | Rear | 0 |
| | | Height (max, ft) | | |
| | | E | Height | 80 |

(4) District Specific Standards

(i) Parking Location

- (A) When parking, either commercial or private, is the principal use on a lot there shall be a 30-foot front setback to the edge of the parking area.
- (B) When parking, either commercial or private, is an accessory use on a lot, there shall be at least a six-foot front setback to the edge of the parking area.

(ii) Open Space

Applications for multifamily or mixed-use developments in an MU-3 zone district shall be required to pay the in-lieu fee, as determined in GJMC 21.05.030(a), rather than provide a land dedication.

(f) Commercial General (CG)

(1) Intent

The CG zone district is intended for auto-oriented retail commercial and commercial services, wholesale, and warehouse-facilities. This district allows outdoor storage and limited outdoor operations. In some areas of the community, CG accommodates truck traffic. This district is intended to be located along corridors where proximity to residential and walkable mixed-use development is limited. CG is appropriate as indicated in Table 21.03-2: Comprehensive Plan Implementation.

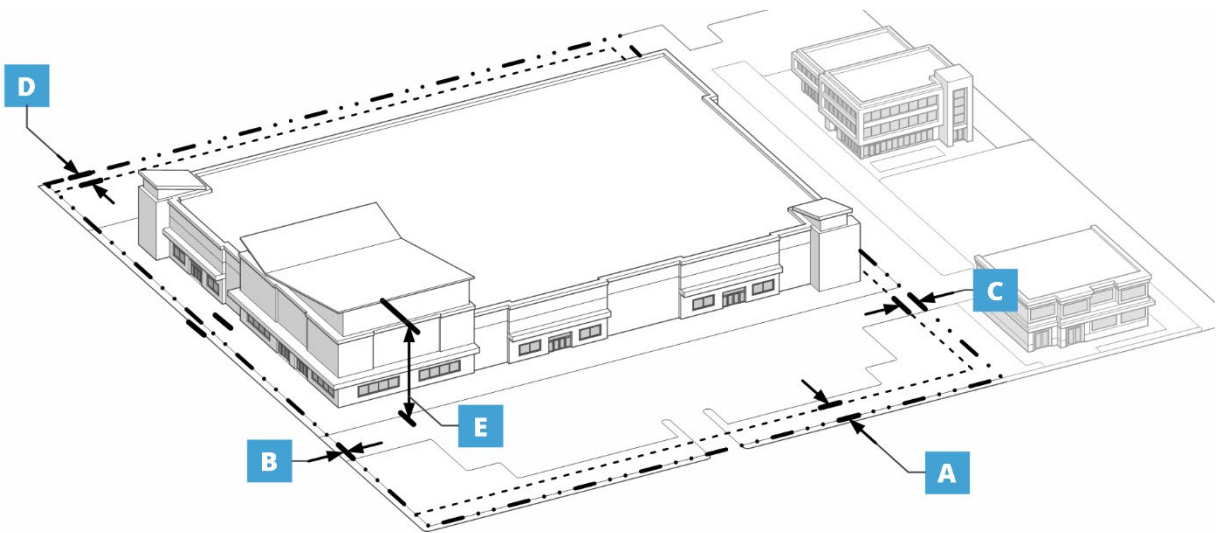
(2) Uses

Permitted principal and accessory uses are identified in GJMC Chapter 21.04.

(3) Dimensions

(i) The following dimensions apply in the CG zone district as follows:

- (A) Structures that are designed for residential use only shall comply with the dimensional standards of the Residential zone district referenced here.
- (B) Structures that are either mixed-use or nonresidential shall comply with the dimensional standards for CG provided here.



| Lot Standards | |
|-------------------------------|--------|
| Residential Standards | |
| Applicable district standards | RH-16 |
| Minimum Density | n/a |
| Mixed-Use Lot Standards | |
| Lot Area (min, ft) | 20,000 |
| Lot Width (min, ft) | 50 |
| Lot Coverage (max, %) | 100 |

| Building Standards | | |
|-------------------------------------|---------------------------|--------|
| Setbacks: Principal Structure (min) | | |
| A | Front | 15 |
| B | Side | 0 |
| C | Side Abutting Residential | 10 |
| D | Rear | 10 [1] |
| Setbacks: Accessory Structure (min) | | |
| | Front | 25 |

Chapter 21.03: Zone Districts and Dimensional Standards

21.03.060. Mixed-Use Districts

21.03.060(f) Commercial General (CG)

| Lot Standards | |
|---|--|
| | |
| Parking, Loading, Service | |
| Access: Alley where available, otherwise side or rear | |

| Building Standards | | |
|--|---------------------------|----|
| | Side | 0 |
| | Side Abutting Residential | 5 |
| | Rear | 10 |
| Height (max, ft) | | |
| E | Height | 65 |
| Use Limits | | |
| Outdoor uses are not allowed in a front setback. | | |
| Notes: [1] 0' for lot on an alley | | |

21.03.070 INDUSTRIAL DISTRICTS

(a) Districts Established

The following Industrial Zone Districts are established in this Code, as summarized in Table 21.03-1. When the Code refers to “Industrial” zone districts, these districts are included:

| Table 21.03-8: Industrial Zone Districts Summary | | |
|---|---------------------------------------|----------------|
| Legacy Zone Districts | Zone District Names | Section |
| Industrial | | |
| I-O: Industrial/Office Park | Industrial/Office Park, Retired, I-OR | 21.03.070(d) |
| I-1: Light Industrial | Industrial Light, I-1 | 21.03.070(e) |
| I-2: General Industrial | Industrial General, I-2 | 21.03.070(f) |

(b) Purpose

The Industrial zone districts are intended to:

- (1) Promote the retention of existing industrial businesses and strengthen and diversify the future economic base for Grand Junction;
- (2) Identify appropriate locations for industrial uses that create on-site or off-site impacts and ensure the separation of those uses from other, less intensive uses in the community; and
- (3) Provide opportunities for innovative technology, manufacturing, and larger footprint uses and structures that are not suitable for other locations in the City because of transportation needs, hours of operation, or utility/infrastructure demands.

(c) Performance Standards

(1) Vibration, Smoke, Odor, Noise, Glare, Wastes, Fire Hazards, and Hazardous Materials

No person shall occupy, maintain, or allow any use in an Industrial district without continuously meeting the following minimum standards regarding vibration, smoke, odor, noise, glare, wastes, fire hazards and hazardous materials. Conditional Use Permits for uses in this district may establish higher standards and conditions.

(2) Vibration

Except during construction or as authorized by the City, an activity or operation which causes any perceptible vibration of the earth to an ordinary person on any other lot or parcel shall not be permitted.

(3) Noise

The owner and occupant shall regulate uses and activities on the property so that sound never exceeds 65 decibels at any point on the property line.

(4) Glare

Lights, spotlights, high temperature processes or otherwise, whether direct or reflected, shall not be visible from any lot, parcel or right-of-way.

(5) Solid and Liquid Waste

All solid waste, debris and garbage shall be contained within a closed and screened dumpster, refuse bin and/or trash compactor. Incineration of trash or garbage is prohibited. No sewage or liquid wastes shall be discharged or spilled on the property.

(6) Hazardous Materials

Information and materials to be used or located on the site, whether on a full-time or part-time basis, that are required by the SARA Title III Community Right to Know shall be provided at the time of any City review, including site plan. Information regarding the activity or at the time of any change of use or expansion, even for existing uses, shall be provided to the Director.

(d) Industrial/Office Park, Retired (I-OR)

(1) Intent

The Industrial/Office zone district has been retired from future use. Property that is zoned I-O as of the Effective Date shall be permitted to continue as conforming to this Code but rezoning any additional areas to I-OR is prohibited. The intent of the I-OR zone district is to provide for a mix of light manufacturing uses, office park, limited retail and service uses in a business park setting with proper screening and buffering, all compatible with adjoining uses.

(2) Uses and Dimensions

- (i) Permitted principal and accessory uses are identified in GJMC Chapter 21.04.
- (ii) The following dimensions apply in the I-OR zone district:

| Lot Standards | |
|---|--------|
| Lot Standards | |
| Lot Area (min, ft) | 1 acre |
| Lot Width (min, ft) | 100 |
| Lot Coverage (max, %) | 100% |
| Use Limits | |
| Retail sales area max: 10% GFA of principal structure, 5,000 sf per any lot or parcel | |

| Building Standards | | |
|-------------------------------------|---------------------------|----|
| Setbacks: Principal Structure (min) | | |
| | Front | 15 |
| | Side | 0 |
| | Side Abutting Residential | 10 |
| | Rear | 10 |
| Setbacks: Accessory Structure (min) | | |
| | Front | 25 |
| | Side | 0 |
| | Side Abutting Residential | 5 |
| | Rear | 10 |
| Height (max, ft) | | |
| | Height | 65 |

(3) District Specific Standards

- (i) Outdoor storage and permanent display areas may be located beside or behind the principal structure. Site plan approval is required for lots with double or triple frontage where the side and rear yards will be used for permanent display areas.
- (ii) Portable display of retail merchandise may be permitted as provided in GJMC 21.04.030(e)(4).

(e) Industrial Light (I-1)

(1) Intent

To provide for areas of light fabrication, manufacturing, technology, and industrial uses with limited, accessory commercial uses, all of which are compatible with existing adjacent

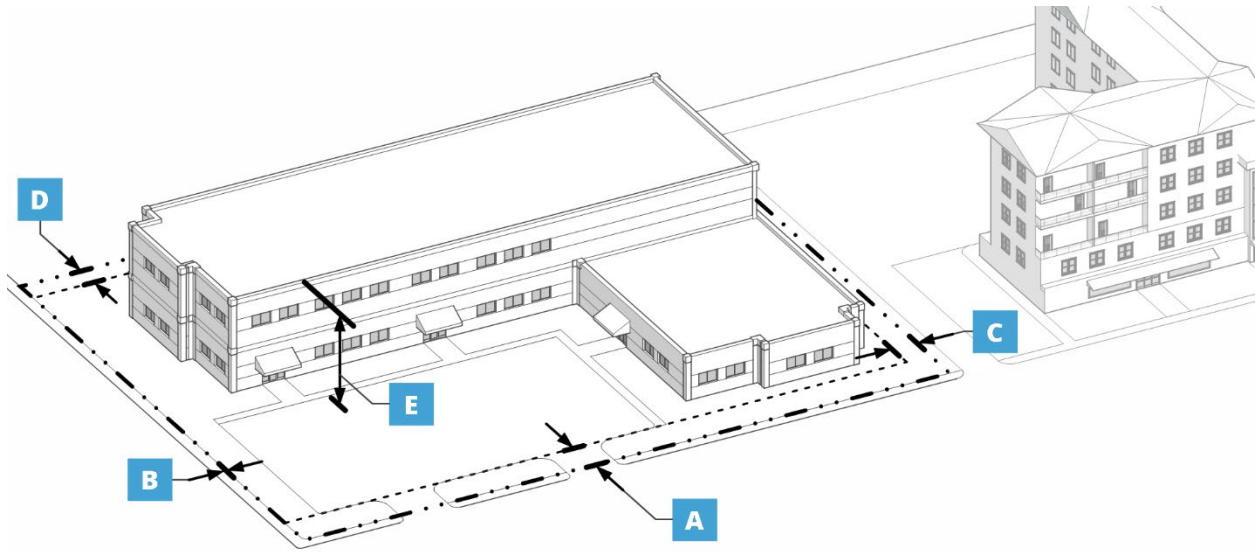
land uses, access to transportation and the availability of public services and facilities. I-1 is appropriate as indicated in Table 21.03-2: Comprehensive Plan Implementation.

(2) Uses

Permitted principal and accessory uses are identified in GJMC Chapter 21.04.

(3) Dimensions

The following dimensions apply in the I-1 zone district:



| Lot Standards | |
|---|--------|
| Lot Standards | |
| Lot Area (min, ft) | 1 acre |
| Lot Width (min, ft) | 100 |
| Lot Coverage (max, %) | 100 |
| Use Limits | |
| Retail sales area max: 10% GFA of principal structure, 5,000 sf per any lot or parcel | |
| Outdoor uses are not allowed in a front setback. | |

| Building Standards | | |
|-------------------------------------|---------------------------|----|
| Setbacks: Principal Structure (min) | | |
| A | Front | 15 |
| B | Side | 0 |
| C | Side Abutting Residential | 10 |
| D | Rear | 10 |
| Setbacks: Accessory Structure (min) | | |
| | Front | 25 |
| | Side | 0 |
| | Side Abutting Residential | 5 |
| | Rear | 10 |
| Height (max, ft) | | |
| E | Height | 50 |

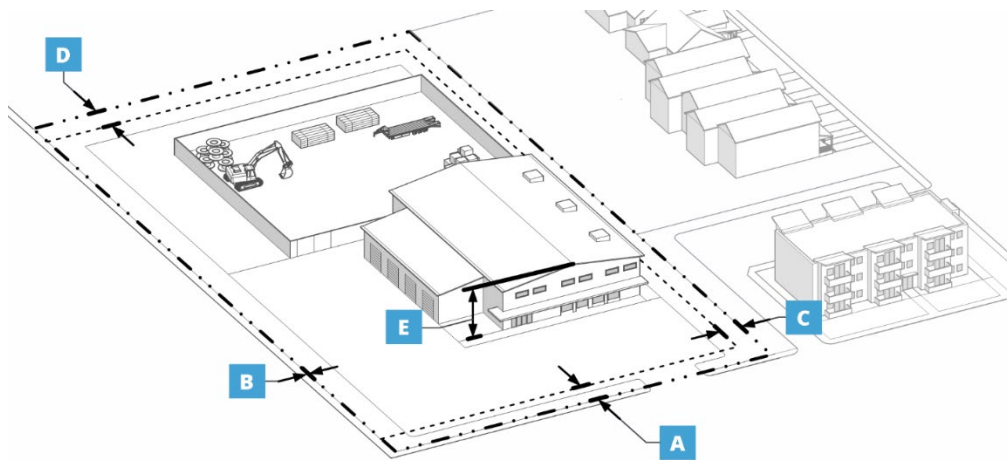
(f) Industrial General (I-2)

(1) Intent

I-2 is intended to provide areas for the accommodation of normal operations of heavy and concentrated fabrication, manufacturing, technology, and industrial uses and associated outdoor activities and storage. I-2 zone districts shall have easy semi-tractor trailer access to the state and federal highway system and/or railroads and the availability of adequate public services, utilities, and facilities. I-2 is appropriate as indicated in Table 21.03-2: Comprehensive Plan Implementation.

(2) Uses and Dimensions

- (i) Permitted principal and accessory uses are identified in GJMC Chapter 21.04
- (ii) The following dimensions apply in the I-2 zone district:



| Lot Standards | |
|--|--------|
| Lot Standards | |
| Lot Area (min, ft) | 1 acre |
| Lot Width (min, ft) | 100 |
| Lot Coverage (max, %) | 100 |
| Use Limits | |
| Retail sales area max: 10% GFA of principal structure, 5,000 sf per any lot or parcel. | |
| Outdoor uses are not allowed in a front setback. | |

| Building Standards | | |
|-------------------------------------|---------------------------|----|
| Setbacks: Principal Structure (min) | | |
| A | Front | 15 |
| B | Side | 0 |
| C | Side Abutting Residential | 10 |
| D | Rear | 10 |
| Setbacks: Accessory Structure (min) | | |
| | Front | 25 |
| | Side | 0 |
| | Side Abutting Residential | 5 |
| | Rear | 10 |
| Height (max, ft) | | |
| E | Height | 50 |

21.03.080 PUBLIC, PARKS, AND OPEN SPACE DISTRICTS

(a) Districts Established

The following Public, Parks, and Open Space Zone District(s) is established in this Code, as summarized in Table 21.03-1. When the Code refers to “public” zone district(s), this district(s) is included:

| Table 21.03-9: Public, Park, and Open Space Zone Districts Summary | | |
|---|--|--------------|
| Legacy Zone Districts | Zone District Names | Section |
| Public, Parks, and Open Space | | |
| CSR: Community Services and Recreation (Parks and Open Space only) | Public Parks and Open Space, P-1 | 21.03.080(c) |
| CSR: Community Services and Recreation (Public, Civic and Institutional Facilities) | Public, Civic, and Institutional Campus, P-2 | 21.03.080(d) |

(b) Purpose

Public districts are intended to identify and allow for the establishment of permanent public parks, open spaces, and activities in the community.

(c) Public Parks and Open Space (P-1)

(1) Intent

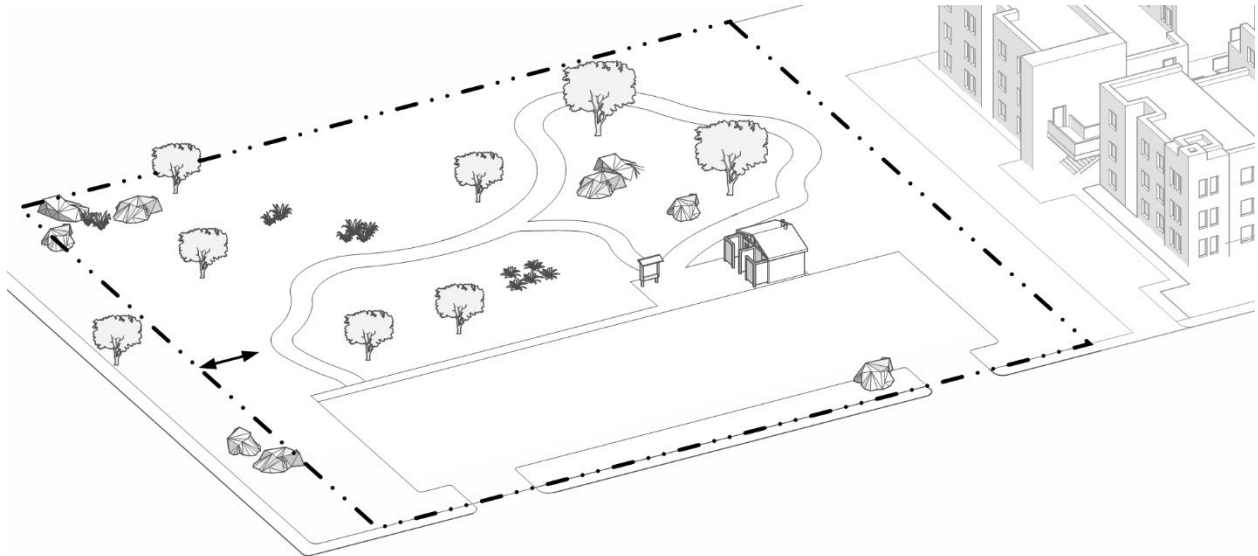
The P-1 district is intended to protect and preserve open spaces that are held in either public or private ownership. P-1 districts may include parks, open spaces, trails, wetlands, floodplains, environmentally sensitive areas, and unique habitats and landscapes. P-1 is appropriate as indicated in Table 21.03-2: Comprehensive Plan Implementation.

(2) Uses

Permitted principal and accessory uses are identified in GJMC Chapter 21.04.

(3) Dimensions

To preserve access to clean air, pure water, natural recreation areas, and scenic natural beauty, the subdivision and development of land is restricted in P-1 districts. P-1 development shall be reviewed through GJMC 21.02.040(k).



(4) District Specific Standards

All buildings constructed in any P-1 district must be permanent construction without a chassis, hitch, or wheels, or other features that would make the structure mobile, unless otherwise expressly stated in this Code.

(d) Public, Civic, and Institutional Campus (P-2)

(1) Intent

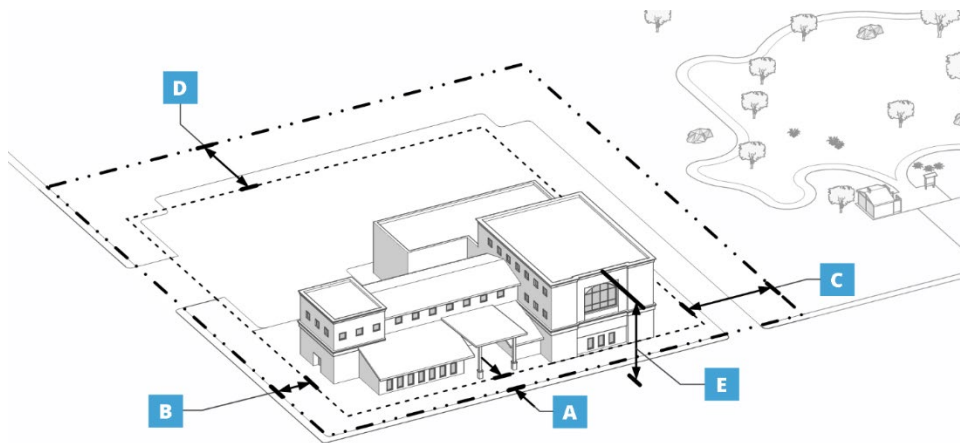
The P-2 district is intended to allow the creation of mixed-use civic and institutional campuses where housing is provided in support of the other uses on the campus. P-2 is appropriate as indicated in Table 21.03-2: Comprehensive Plan Implementation.

(2) Uses

Permitted principal and accessory uses are identified in GJMC Chapter 21.04.

(3) Dimensions

The following dimensional standards are applicable to development along and within 150 feet of exterior lot lines in the P-2 district:



| Lot Standards | |
|-----------------------------------|---------------|
| Residential Standards | |
| Applicable district standards [1] | RM-8 or RM-12 |
| Minimum Density | 8 du/acre |
| Mixed-Use Lot Standards | |
| Lot Area (min, ft) | 10,000 |
| Lot Width (min, ft) | 50 |
| Lot Coverage (max, %) | 80 |
| Parking, Loading, Service | |
| Access and Location | Internal |

| Building Standards | | |
|-----------------------------------|---------------------------|----|
| Setbacks: Exterior Boundary (min) | | |
| A | Front | 20 |
| B | Side | 20 |
| C | Side Abutting Residential | 20 |
| D | Rear | 20 |
| Height (max, ft) | | |
| E | Height | 65 |
| | Height Adjacent to Res. | 40 |

(4) District Specific Standards

- (i) All structures shall remain on a single lot. Property in a P-2 district may not be subdivided.

21.03.090 AIRPORT ENVIRONS OVERLAY DISTRICT

(a) Purpose

The airport environs overlay zone district (AE) is hereby created with the following purposes:

- (1) To protect the public health, safety, and welfare by regulating development and land use within noise sensitive areas and airport hazard areas;
- (2) To ensure compatibility between Grand Junction Regional Airport and surrounding land uses; and
- (3) To protect the airport from incompatible encroachment.

(b) Overlay District

The airport environs overlay zone district (AE) shall serve as an overlay zoning that applies additional standards and requirements to properties located within an underlying zone district. In case of conflicting standards and requirements, the more stringent standards and requirements shall apply.

(c) Airport Environs Overlay Maps

Airport environs overlay maps referred to in this Code are on file at the Community Development Department. The maps are incorporated by this reference as if fully set forth.

(d) Airport Environs Subdistricts

The airport environs overlay zone district (AE) is comprised of four subdistricts. The subdistricts represent a determination by the Federal Aviation Administration (FAA) of differing levels of expected noise impact and hazard from aircraft overflight. If any parcel is within more than one subdistrict, the more restrictive subdistrict determination shall apply. The subdistricts are as follows:

(1) Area of Influence (Subdistrict A)

An area surrounding the airport impacted or influenced by proximity of the airport, either by aircraft overflight, noise and/or vibrations.

(2) Noise Zone (Subdistrict B)

Includes the area within the 65 Ldn to 70 Ldn noise-exposure area as shown in the Grand Junction Regional Airport Master Plan.

(3) Critical Zone (Subdistrict C)

A rectangular-shaped zone located directly off the end of a runway's primary surface, beginning 200 feet from the end of the pavement, which is critical to aircraft operations (i.e., more apt to have accidents within it because of the takeoff and landing mode in that particular area) as shown in the Grand Junction Regional Airport Master Plan.

(4) Clear Zone (Subdistrict D)

A triangular-shaped zone located directly off the end of a runway's primary surface, beginning 200 feet from the end of the pavement, which is clear of all above-ground obstruction or construction. The width is the same as the primary surface. The length is determined by the use of the runway, in accordance with FAA regulations.

(5) Boundary Updates or Amendments

The boundaries of the AE zoning and its subdistricts shall be reviewed whenever the Grand Junction Regional Airport Authority updates and/or amends the noise contour maps and/or master plan. The Grand Junction Regional Airport Authority shall notify the City of any such update and/or amendment and provide a copy of it to the City.

(e) Exemptions

The terms, provisions, conditions, and restrictions of 5-11 et seq. of the former code pertaining to land use for land around airports shall control development in existence prior to the Effective Date. This chapter shall apply to development, structures and/or lots platted after the Effective Date.

(f) Land Use Compatibility

(1) Airport Environs Matrix

- (i) The airport environs land use compatibility matrix below, also known as the airport matrix, establishes requirements and limitations in addition to those provided in GJMC Chapter 21.03. In the case of conflict, the more restrictive requirements shall control.
- (ii) The airport matrix below identifies development standards that apply to development within the AE zone. Any proposed use and/or development shall comply with the requirements of this section, in addition to all other applicable standards.
- (iii) All structures shall be constructed to comply with the noise level reduction (NLR) standards of the airport matrix. National Technical Information Service (NTIS) report Guidelines for the Sound Insulation of Residences Exposed to Aircraft Operations (AD-A258 O32), latest edition, shall be used for noise reduction methods for new development.

(2) Use Restrictions

Notwithstanding any other provision of this Code, no use may be made of land or water within any zone or subdistrict that creates or may create:

- (i) Interference with navigational signals or radio communication between the airport and aircraft;
- (ii) Difficulty for pilots to distinguish between airport lights and other lighting;
- (iii) Glare in the eyes of pilots using the airport;
- (iv) Impaired visibility in the vicinity of the airport;
- (v) A hazard or endanger landing, takeoff or maneuvering of aircraft.

(g) Avigation Easement

New development located within the AE zone shall convey an avigation easement to the Grand Junction Regional Airport Authority in a form and with terms and conditions approved by the Director. Such conveyance shall not be required for repair or maintenance of existing structures.

(h) Record Notice of Critical and Noise Zone Subdistricts

A written notice, in a form approved by the Director, shall be affixed to and recorded with each Final Plat/plan when the development is located in a noise zone. The notice shall also be required when the development is located within a critical zone. The notice shall minimally provide that:

- (1) All or part of the development is potentially subject to aircraft noise levels high enough to annoy users of the property and interfere with its unrestricted use.
- (2) If in the critical zone add: All or part of this property is also located in the approach and departure path of the airport in an area more apt to have accidents because of the takeoff and landing of aircraft.

Table 21.03-10: Airport Land Use Compatibility Standards Matrix

Y = Yes N = No C = Conditional Use Permit required 25 or 30, see Note {2}

| Land Use | Zone | | | |
|--|------|---------|--------|---|
| | A | B | C | D |
| Residential (≤ 1 unit per 5 acres) | Y | 30 [1] | 30 [1] | N |
| Residential (≥ 1 unit per 5 acres) | Y | C30 [1] | N | N |
| Hotels/Motels | Y | C25 | N | N |
| Schools, Hospitals, Libraries | Y | C25 | N | N |
| Churches | Y | C25 | N | N |
| Auditoriums, Outdoor Amphitheaters, Concert Halls | Y | C25 | N | N |
| Sports Arenas | Y | C25 | N | N |
| Playgrounds, Parks, Open Space, Golf Courses, Cemeteries, Riding Stables | Y | Y | C | N |
| Office Buildings, Personal, Business, and Professional Services | Y | C | C | N |
| Commercial Establishments: Retail | Y | C | C | N |
| Commercial Establishments: Wholesale, Manufacturing, Transportation, Communications, and Utilities | Y | C | C | N |
| Manufacturing – Noise-Sensitive | C | C | C | N |
| Communications – Noise-Sensitive | C | C | C | N |
| Farming (Livestock) | Y | Y | Y | N |
| Agriculture, Mining, Fishing (Except Livestock Farming) | Y | Y | Y | C |
| Poultry Production | Y | Y | Y | N |

Notes:

[1] Where possible, no residential development shall be permitted within Subdistricts B and C; however, for properties substantially or wholly burdened by Subdistrict C, residential development may be permitted at a density not to exceed one unit per five acres. Clustering of homes outside of Subdistricts B and C shall, where possible, be used.

Table 21.03-10: Airport Land Use Compatibility Standards Matrix

Y = Yes N = No C = Conditional Use Permit required 25 or 30, see Note {2}

| Land Use | Zone | | | |
|---|------|---|---|---|
| | A | B | C | D |
| [2] 25: Measures to achieve noise level reduction (NLR) of 25 dB must be incorporated into the design and construction of structures. 30: Measures to achieve noise level reduction (NLR) of 30 dB must be incorporated into the design and construction of structures. | | | | |

(i) Height Limitations

Nothing, including structures and trees, shall be erected, altered, allowed to grow, or be maintained so that it crosses or enters into the applicable runway approach zone districts as defined in Federal Aviation Regulations (FAR) Part 77, as amended.

21.03.0100 PLANNED DEVELOPMENT

(a) Purpose and Community Benefits

The planned development (PD) district is intended to apply to mixed-use or unique single use projects to provide design flexibility not available through strict application and interpretation of the standards established in GJMC Chapter 21.05. The purpose of the PD overlay zone is to provide design flexibility that promotes the goals and strategies of the Comprehensive Plan and that incorporates at least one of the following community benefits:

- (1) The PD protects, preserves, and/or manages areas of significant natural resources beyond the requirements of the base zoning regulations;
- (2) The general arrangement of proposed uses in the PD better integrates future development into the surrounding neighborhood, either through more compatible street layout, architectural styles, and housing types, or by providing better transitions between the surrounding neighborhood and the PD with compatible development or open space buffers;
- (3) Areas of open space, their intended levels of use, and their relationship to other proposed uses in the PD provide enhanced opportunities for community gathering areas;
- (4) The PD features outstanding site design and construction; such as; best management practices for on-site storm water management, green building materials, and/or water and energy efficiency;
- (5) Site design in the PD will create a diverse neighborhood with a mix of housing choices; or
- (6) The PD features enhanced opportunities for walkability or transit ridership, including separated parking bays, off street walking paths, shorter pedestrian routes than vehicular routes, linkages to or other provisions for bus stops, etc.

(b) Applicability

- (1) PD zoning is applicable to parcels of 10 acres or greater.
- (2) PD zoning may not be used to provide a site-specific solution to a single issue that can be resolved through a more appropriate administrative means.

(c) Creation of Overlay Zone District

The PD zone district creates an overlay district that reflects adjustments made to applicable base zone districts as stated in the PD zoning ordinance. Where the PD is silent as to a development term or requirement, the requirements of the applicable base zone district or this Code shall apply.

(d) Customization

(1) Modifications to Base Zone Districts

- (i) A PD overlay is established through the identification of applicable base zone district(s) that are modified according to specific adjustments approved through the PD review and approval process.

- (ii) Requested adjustments to the standards of the base zone district(s) and/or other applicable standards such as landscaping, uses, or parking shall be identified both by location on the site plan and in an accompanying narrative summary.

(2) Residential Density

A PD shall not be used to increase the density of the base zone districts. Rezoning is the appropriate process to request a density increase.

(3) Community Benefit

All PD projects are required to provide a community benefit. The application narrative shall also describe the community benefits provided through PD approval, based on the list of community benefits described above.

Chapter 21.04 Use Standards

21.04.010 PURPOSE

The purpose of this chapter is to identify the land uses allowed in the Grand Junction zone districts and establish the standards that apply to certain uses (use-specific standards). This chapter is organized as follows:

- (a) GJMC 21.04.020, lists the uses allowed by zone district and cross-references applicable use-specific standards.
- (b) GJMC 21.04.030, establishes the unique standards applicable to certain land uses.
- (c) GJMC 21.04.040, establishes standards applicable to uses and structures that are accessory to the principal use of the property and/or structure.
- (d) GJMC 21.04.050, establishes standards applicable to non-permanent (temporary) structures and uses.

21.04.020 PRINCIPAL USE TABLE

(a) Organization of the Table

- (1) In Table 21.04-1, land uses and activities are classified into five general use categories: (1) Residential; (2) Public, Institutional, and Civic; (3) Commercial; (4) Industrial; and (5) Temporary. Specific uses are organized within the general use categories, based on common functional, product, or physical characteristics such as the type and amount of activity, the type of customers or residents, how goods or services are sold or delivered, and site conditions. This provides a systematic basis for assigning present and future land uses into appropriate zone districts and for avoiding overlaps and inconsistencies between similar land uses.
- (2) The left-side column of Table 21.04-1 lists all use categories and many of the specific uses that might be approved by the City. Columns in the center of the table correspond to each base zone district and indicate whether the use is allowed in that district. The right-side column provides a cross-reference to use-specific standards that apply to that use in some or all of the zone districts in which it is allowed. Use standard cross-references are provided for informational purposes only; use-specific standards are applicable whether the cross-reference is provided or not.

(b) Compliance with Additional Requirements

- (1) Any use approved within a zone district shall also comply with all applicable standards in this Code; any requirements of local, state, or federal law; and the conditions placed on the approval.
- (2) All uses required by any unit of local, state, or federal government to have an approval, license, or permit to operate are required to have that local, state, or federal approval, license, or permit in effect at all times, and failure to do so is a violation of this Code.
- (3) All uses subject to the operational standards of a local, state, or federal government agency, including without limitation the regulations contained in the Grand Junction

Municipal Code and regulations of the Colorado Department of Public Health and Environment, shall operate in compliance with those standards and regulations at all times, and failure to do so is a violation of this Code.

(c) Abbreviations Used in the Table

This excerpt from Table 21.04-1 is included to illustrate the use table abbreviations. Current use allocations are provided in Table 21.04-1; this excerpt is not regulatory.

| Zone Districts | R-R | R-ER | R-IR | R-2R | RL-4 | RL-5 | RM-8 | RM-12 | RH-16 | RH-24 | MU-1 | MU-2 |
|----------------------------------|-----|------|------|------|------|------|------|-------|-------|-------|------|------|
| Residential Uses | | | | | | | | | | | | |
| Household Living | | | | | | | | | | | | |
| Dwelling, Single-Family Detached | A | A | A | A | A | A | A | | | | A | |

(1) Allowed Uses

An "A" indicates the use is allowed by right within the respective zone district. Administrative approval per GJMC 21.02.040(b) required prior to establishing an allowed use.

(2) Conditional Uses

A "C" indicates the use is only allowed through the Conditional Use Permit (CUP) process of GJMC 21.02.050(f), subject to specified conditions.

(3) Prohibited Uses

A blank space indicates the listed use is not allowed within the district, unless otherwise expressly allowed by another provision of this Code.

(d) Uses for Other Purposes

Approval of a use listed in Table 21.04-1 authorizes that use only. Development or use of a property for any other use not specifically allowed in Table 21.04-1 and approved pursuant to this Code is prohibited.

(e) Use Table

Table 21.04-1: Principal Use Table

A= Allowed Use C= Conditional Use

For accessory use regulations, see Table 21.04-2 in Section 21.04.040

| Zone Districts | R-R | R-ER | R-IR | R-2R | RL-4 | RL-5 | RM-8 | RM-12 | RH-16 | RH-24 | MU-1 | MU-2 | MU-3 | CG | I-OR | I-1 | I-2 | P-1 | P-2 | Use-Specific Standards | |
|----------------------------------|-----|------|------|------|------|------|------|-------|-------|-------|------|------|------|----|------|-----|-----|-----|-----|------------------------|-----------------|
| Residential Uses | | | | | | | | | | | | | | | | | | | | | |
| Household Living | | | | | | | | | | | | | | | | | | | | | |
| Dwelling, Single-Family Detached | A | A | A | A | A | A | A | | | | A | | | | | | | | | A | |
| Dwelling, Tiny Home | A | A | A | | A | A | A | | | | A | | | | | | | | | A | |
| Dwelling, Single-Family Attached | | | A | | A | A | A | A | | | A | | | | | | | | | A | |
| Dwelling, Cottage Court | | | | | A | A | A | A | A | A | A | A | | | | | | | | | |
| Dwelling, Duplex | | | | A | A | A | A | A | | | A | | | | | | | | | | |
| Dwelling, Multifamily | | | | | | A | A | A | A | A | A | A | A | | | | | | | A | |
| Manufactured Housing Community | | | | | | A | A | A | | | | | | | | | | | | | 21.04.030(b)(2) |
| Group Living | | | | | | | | | | | | | | | | | | | | | |
| Boarding or Rooming House | | | | | | | A | A | A | A | A | A | A | | | | | | | | 21.04.030(b)(3) |
| Fraternity or Sorority | | | | | | | | | | | | | | | | | | | | A | 21.04.030(b)(4) |
| Group Living Facility, Small | A | A | A | A | A | A | A | A | A | A | A | C | A | | | | | | | | 21.04.030(b)(5) |
| Group Living Facility, Large | | | | | | A | A | A | A | A | A | A | A | | | | | | | | 21.04.030(b)(5) |

| Table 21.04-1: Principal Use Table | | | | | | | | | | | | | | | | | | | | |
|---|-----|------|------|------|------|------|------|-------|-------|-------|------|------|------|----|------|-----|-----|-----|-----|------------------------|
| A= Allowed Use C= Conditional Use | | | | | | | | | | | | | | | | | | | | |
| For accessory use regulations, see Table 21.04-2 in Section 21.04.040 | | | | | | | | | | | | | | | | | | | | |
| Zone Districts | R-R | R-ER | R-IR | R-2R | RL-4 | RL-5 | RM-8 | RM-12 | RH-16 | RH-24 | MU-1 | MU-2 | MU-3 | CG | I-OR | I-1 | I-2 | P-1 | P-2 | Use-Specific Standards |
| Group Living Facility, Unlimited | | | | | | | | A | A | A | A | A | A | | | | | | | 21.04.030(b)(5) |
| Public, Institutional, and Civic Uses | | | | | | | | | | | | | | | | | | | | |
| Adult or Child Day Care | | | | | | | | | | | | | | | | | | | | |
| Day Care Center, Adult or Child | C | C | C | C | C | C | A | A | A | A | A | A | A | A | A | | | | A | |
| Community and Cultural Facilities | | | | | | | | | | | | | | | | | | | | |
| Assembly, Community | A | A | A | A | A | A | A | A | A | A | A | A | A | A | A | A | A | | A | 21.04.030(c)(1) |
| Assembly, Religious/Private Group | A | A | A | A | A | A | A | A | A | A | A | A | A | A | | A | | | A | 21.04.030(c)(1) |
| Community Corrections Facility | | | | | | | | | | | | | | | | | | | C | 21.04.030(c)(2) |
| Crematory | | | | | | | | | | | | | | A | A | A | A | | | |
| Funeral Home or Mortuary | | | | | | | | | | | A | A | A | A | A | | | | | |
| Government Service Facility | | | | | | | | | | | | A | A | A | | | | | A | |
| Jail | | | | | | | | | | | | | C | C | | C | C | | C | |
| Meeting, Banquet, Event, or Conference Facility | C | C | | | | | | | | | | A | A | A | | C | | | A | |

Table 21.04-1: Principal Use Table
 A= Allowed Use C= Conditional Use
 For accessory use regulations, see Table 21.04-2 in Section 21.04.040

| Zone Districts | R-R | R-ER | R-IR | R-2R | RL-4 | RL-5 | RM-8 | RM-12 | RH-16 | RH-24 | MU-1 | MU-2 | MU-3 | CG | I-OR | I-1 | I-2 | P-1 | P-2 | Use-Specific Standards |
|---|-----|------|------|------|------|------|------|-------|-------|-------|------|------|------|----|------|-----|-----|-----|-----|------------------------|
| Safety Service Facility | A | A | A | A | A | A | A | A | A | A | A | A | A | A | A | A | A | | A | |
| Educational Facilities | | | | | | | | | | | | | | | | | | | | |
| Boarding School | | | | | | | | A | A | A | A | A | C | | | | | | A | |
| College or University | | | | | | | | | | | | A | A | A | A | A | A | | A | |
| Public or Private School | A | A | A | A | A | A | A | A | A | A | A | A | A | A | | | | | A | |
| Vocational, Technical, or Trade School | | | | | | | | | | | A | A | A | A | | A | A | | | |
| Health Facilities | | | | | | | | | | | | | | | | | | | | |
| Hospital | | | | | | | | | | | C | A | C | C | C | | | | C | |
| Medical or Dental Clinic | | | | | | | | | | A | A | A | A | A | A | A | | | | |
| Parks and Open Space | | | | | | | | | | | | | | | | | | | | |
| Cemetery | A | A | A | A | A | A | A | A | A | A | A | A | A | A | | | | A | A | |
| Golf Course | A | A | A | A | A | A | A | A | A | A | A | A | A | A | A | A | A | A | A | |
| Golf Driving Range | A | A | A | A | C | C | C | C | C | C | A | A | A | A | A | A | A | A | A | |
| Park, Lake, Reservoir, Other Open Space | A | A | A | A | A | A | A | A | A | A | A | A | A | A | A | A | A | A | A | |
| Commercial Uses | | | | | | | | | | | | | | | | | | | | |

Table 21.04-1: Principal Use Table
 A= Allowed Use C= Conditional Use
 For accessory use regulations, see Table 21.04-2 in Section 21.04.040

| Zone Districts | R-R | R-ER | R-IR | R-2R | RL-4 | RL-5 | RM-8 | RM-12 | RH-16 | RH-24 | MU-1 | MU-2 | MU-3 | CG | I-OR | I-1 | I-2 | P-1 | P-2 | Use-Specific Standards |
|---|-----|------|------|------|------|------|------|-------|-------|-------|------|------|------|----|------|-----|-----|-----|-----|------------------------|
| Adult Entertainment | | | | | | | | | | | | A | | A | | A | A | | | 21.04.030(d)(1) |
| Agriculture and Animal | | | | | | | | | | | | | | | | | | | | |
| Animal Agriculture | | | | | | | | | | | | | | | | C | C | | C | 21.04.030(d)(2) |
| Animal Care, Boarding, or Sales, Indoor Operations Only | A | | | | | | | | | | A | A | A | A | A | A | | | | |
| Animal Care, Boarding, or Sales, Outdoor Operations | C | | | | | | | | | | | C | | A | C | C | | | | |
| Animal Clinic or Hospital | | | | | | | | | | | A | A | A | A | | A | | | A | 21.04.030(d)(3) |
| Dairy Operations or Feedlot | C | | | | | | | | | | | | | | | C | C | | C | 21.04.030(d)(2) |
| Farmers' Market | | | | | | | | | | A | A | A | A | A | | | | A | A | |
| Nursery or Greenhouse | C | C | C | C | | | | | | | | A | | A | | A | C | | C | |
| Pasture, Commercial | A | A | A | A | | | | | | | | | | | | A | A | | | |
| Urban Agriculture | A | A | A | A | A | A | A | A | A | A | A | A | A | A | A | A | A | A | A | |
| Food and Beverage | | | | | | | | | | | | | | | | | | | | |
| Bar or Tavern | | | | | | | | | | | C | A | A | A | C | C | | | | |

Table 21.04-1: Principal Use Table
 A= Allowed Use C= Conditional Use
 For accessory use regulations, see Table 21.04-2 in Section 21.04.040

| Zone Districts | R-R | R-ER | R-IR | R-2R | RL-4 | RL-5 | RM-8 | RM-12 | RH-16 | RH-24 | MU-1 | MU-2 | MU-3 | CG | I-OR | I-1 | I-2 | P-1 | P-2 | Use-Specific Standards |
|--|-----|------|------|------|------|------|------|-------|-------|-------|------|------|------|----|------|-----|-----|-----|-----|------------------------|
| Brewery, Distillery, or Winery | A | | | | | | | | | | C | A | A | A | A | A | A | | A | |
| Brewpub, Distillery Pub, or Limited Winery | | | | | | | | | C | C | A | A | A | A | | A | | | A | |
| Food Service or Catering | | | | | | | | | | | A | A | A | A | | A | | | | |
| Mobile Food Vendor | | | | | | | | | | A | A | A | A | A | A | A | A | A | A | 21.04.030(d)(4) |
| Mobile Food Vendor Court | | | | | | | | | | C | A | A | A | A | A | A | A | | A | 21.04.030(d)(4) |
| Restaurant | | | | | | | | | C | C | A | A | A | A | A | A | | | A | |
| Lodging Facilities | | | | | | | | | | | | | | | | | | | | |
| Emergency Shelter, Permanent | | | | | | | | | | | | A | | C | | | | | C | |
| Hotel or Motel | | | | | | | | | | | | A | A | A | A | | | | | |
| Resort Cabin and Lodge | C | | | | | | | | | | | | | | | | | A | A | |
| Short-Term Rental | A | A | A | A | A | A | A | A | A | A | A | A | A | | | | | | | 21.04.030(d)(5) |
| Office and Personal Services | | | | | | | | | | | | | | | | | | | | |
| Office | | | | | | | | | C | C | A | A | A | A | A | A | | | A | |
| Personal Service | | | | | | | | | C | C | A | A | A | A | C | A | | | | |
| Recreation and Entertainment | | | | | | | | | | | | | | | | | | | | |

Table 21.04-1: Principal Use Table
 A= Allowed Use C= Conditional Use
 For accessory use regulations, see Table 21.04-2 in Section 21.04.040

| Zone Districts | R-R | R-ER | R-IR | R-2R | RL-4 | RL-5 | RM-8 | RM-12 | RH-16 | RH-24 | MU-1 | MU-2 | MU-3 | CG | I-OR | I-1 | I-2 | P-1 | P-2 | Use-Specific Standards |
|--|-----|------|------|------|------|------|------|-------|-------|-------|------|------|------|----|------|-----|-----|-----|-----|------------------------|
| Campground or Recreational Vehicle Park | C | | | | | | | | | | | A | | A | | | | A | A | 21.04.030(d)(6) |
| Indoor Entertainment and Recreation | A | | | | | | | | | | A | A | A | A | A | A | | | A | |
| Outdoor Entertainment and Recreation | C | | | | | | | | | | | A | | A | C | C | | | C | |
| Riding Academy, Roping, or Equestrian Area | C | C | | | | | | | | | | | | | | | | | C | |
| Shooting Range, Indoor | | | | | | | | | | | | C | | C | | C | C | | C | |
| Shooting Range, Outdoor | | | | | | | | | | | | | | | | C | C | | C | |
| Swimming Pool, Community | A | A | A | A | A | A | A | A | A | A | A | A | A | A | | | | | A | |
| Zoo | | | | | | | | | | | | C | | C | | | | | C | |
| Retail Sales | | | | | | | | | | | | | | | | | | | | |
| Flea Market | | | | | | | | | | | | | | A | | A | A | | | 21.04.030(d)(7) |
| Manufactured Building Sales and Service | | | | | | | | | | | | | | A | | A | | | | |
| Regulated Cannabis Store | | | | | | | | | | | A | A | A | A | | | | | | 21.04.030(d)(8) |

Table 21.04-1: Principal Use Table
 A= Allowed Use C= Conditional Use
 For accessory use regulations, see Table 21.04-2 in Section 21.04.040

| Zone Districts | R-R | R-ER | R-IR | R-2R | RL-4 | RL-5 | RM-8 | RM-12 | RH-16 | RH-24 | MU-1 | MU-2 | MU-3 | CG | I-OR | I-1 | I-2 | P-1 | P-2 | Use-Specific Standards | |
|--|-----|------|------|------|------|------|------|-------|-------|-------|------|------|------|----|------|-----|-----|-----|-----|------------------------|------------------|
| Retail Sales and Service, Small | | | | | | | | | C | C | A | A | A | A | | A | | | | | |
| Retail Sales and Service, Medium | | | | | | | | | | | | A | A | A | | A | | | | | |
| Retail Sales and Service, Large | | | | | | | | | | | | A | | A | | A | A | | | | |
| Retail Sales and Service, Big Box | | | | | | | | | | | | A | | A | | A | A | | | | |
| Transportation | | | | | | | | | | | | | | | | | | | | | |
| Airport or Heliport | | | | | | | | | | | | | | | C | | | | | C | |
| Helipad | | | | | | | | | | | | C | C | C | C | C | C | | | C | |
| Parking Garage, Commercial | | | | | | | | | | | A | A | | A | A | A | A | | | A | |
| Parking Lot, Commercial | | | | | | | | | | | A | A | | A | A | A | A | | | A | |
| Transportation Depot | | | | | | | | | | | | A | A | A | A | A | A | | | A | |
| Truck Stop | | | | | | | | | | | | | | A | | A | A | | | | |
| Vehicles and Equipment | | | | | | | | | | | | | | | | | | | | | |
| Vehicle Fleet Operations Center | | | | | | | | | | | | A | | A | A | A | A | | | | |
| Vehicle Fuel Sales and Service Station | | | | | | | | | | | C | A | A | A | A | A | A | | | | |
| Vehicle Impound Lot | | | | | | | | | | | | | | C | | C | C | | | | 21.04.030(d)(10) |

Table 21.04-1: Principal Use Table
 A= Allowed Use C= Conditional Use
 For accessory use regulations, see Table 21.04-2 in Section 21.04.040

| Zone Districts | R-R | R-ER | R-IR | R-2R | RL-4 | RL-5 | RM-8 | RM-12 | RH-16 | RH-24 | MU-1 | MU-2 | MU-3 | CG | I-OR | I-1 | I-2 | P-1 | P-2 | Use-Specific Standards |
|--|-----|------|------|------|------|------|------|-------|-------|-------|------|------|------|-----|------|-----|-----|-----|-----|------------------------|
| Vehicle Repair, Major | | | | | | | | | | | | | | A | A | A | A | | | |
| Vehicle Repair, Minor | | | | | | | | | | | | A | | A | A | A | A | | | |
| Vehicle Sales, Rental and Leasing, Heavy | | | | | | | | | | | | | | C | | A | | | | 21.04.030(d)(11) |
| Vehicle Sales, Rental and Leasing, Light | | | | | | | | | | | | A | | A | | A | | | | 21.04.030(d)(11) |
| Vehicle Wash | | | | | | | | | | | A | A | A | A | A | A | A | | | |
| Industrial Uses | | | | | | | | | | | | | | | | | | | | |
| Manufacturing and Processing | | | | | | | | | | | | | | | | | | | | |
| Industrial, Artisan | | | | | | | | | | | A | A | A | A | | A | A | | | 21.04.030(e)(1) |
| Industrial, Light | | | | | | | | | | | | A | A | A | | A | A | | | |
| Industrial, Heavy | | | | | | | | | | | | | | A | A | A | A | | | |
| Mining and Extraction | C | C | | | | | | | | | | | | | C | C | C | | C | |
| Oil and Gas Drilling | C | C | | | | | | | | | | | | | | C | C | | C | |
| Storage, Wholesale, and Warehousing | | | | | | | | | | | | | | | | | | | | |
| Mini-Warehouse | | | | | | | | | C | C | C | A | | A | A | A | A | | | 21.04.030(e)(3) |
| Outdoor Storage, Commercial | | | | | | | | | | | | | | A/C | A/C | A/C | A/C | | | 21.04.030(e)(4) |

| Table 21.04-1: Principal Use Table A= Allowed Use C= Conditional Use For accessory use regulations, see Table 21.04-2 in Section 21.04.040 | | | | | | | | | | | | | | | | | | | | |
|--|--|------|------|------|------|------|------|-------|-------|-------|------|------|------|----|------|-----|-----|-----|-----|------------------------|
| Zone Districts | R-R | R-ER | R-IR | R-2R | RL-4 | RL-5 | RM-8 | RM-12 | RH-16 | RH-24 | MU-1 | MU-2 | MU-3 | CG | I-OR | I-1 | I-2 | P-1 | P-2 | Use-Specific Standards |
| Wholesale or Warehouse | C | | | | | | | | | | | C | | A | A | A | A | | | |
| Tele-communication | | | | | | | | | | | | | | | | | | | | |
| Facilities on Wireless Master Plan Priority Site When Developed in Accordance with Wireless Master Plan Site-Specific Requirements | A | A | A | A | A | A | A | A | A | A | A | A | A | A | A | A | A | A | A | 21.04.030(e)(5) |
| Temporary PWSF (e.g., COW) | A | A | A | A | A | A | A | A | A | A | A | A | A | A | A | A | A | A | A | 21.04.030(e)(5) |
| Co-Location | A | A | A | A | A | A | A | A | A | A | A | A | A | A | A | A | A | A | A | 21.04.030(e)(5) |
| Tower Replacement | A | A | A | A | A | A | A | A | A | A | A | A | A | A | A | A | A | A | A | 21.04.030(e)(5) |
| Dual Purpose Facility | A | A | A | A | A | A | A | A | A | A | A | A | A | A | A | A | A | A | A | 21.04.030(e)(5) |
| DAS and Small Cell Facilities | A | A | A | A | A | A | A | A | A | A | A | A | A | A | A | A | A | A | A | 21.04.030(e)(5) |
| Base Station with Concealed Attached Antennas | A Except NOT allowed on structures the principal use of which is a single-family detached or attached dwelling, tiny home dwelling, duplex, group living (all), day care center, and multifamily dwellings of fewer than three stories. | | | | | | | | | | | A | A | A | A | A | A | A | A | 21.04.030(e)(5) |

Table 21.04-1: Principal Use Table
 A= Allowed Use C= Conditional Use
 For accessory use regulations, see Table 21.04-2 in Section 21.04.040

| Zone Districts | R-R | R-ER | R-IR | R-2R | RL-4 | RL-5 | RM-8 | RM-12 | RH-16 | RH-24 | MU-1 | MU-2 | MU-3 | CG | I-OR | I-1 | I-2 | P-1 | P-2 | Use-Specific Standards | | |
|---|--|--|------|------|------|------|------|-------|-------|-------|------|------|------|-----|------|-----|-----|-----|-----|------------------------|-----------------|-----------------|
| Base Station with Non-Concealed Attached Antennas | C Except NOT allowed on structures the principal use of which is a single-family detached or attached dwelling, tiny home dwelling, duplex, group living (all), day care center, and multifamily dwellings of fewer than three stories. | | | | | | | | | | | A | C | A | A | A | A | A | A | A | A | 21.04.030(e)(5) |
| Tower, Concealed | C | C Except NOT allowed on any site or lot where the principal use is a single-family detached or attached, tiny home, or duplex dwelling. | | | | | | C | C | C | C | C | C | C | C | | C | C | C | C | 21.04.030(e)(5) | |
| Tower, Non-Concealed | | | | | | | | | | | | C | C | C | | C | C | C | C | 21.04.030(e)(5) | | |
| Broadcast Tower | | | | | | | | | | | | | | | | C | C | | | 21.04.030(e)(5) | | |
| Utility Uses | | | | | | | | | | | | | | | | | | | | | | |
| Utility Facility, Basic | A | A | A | A | A | A | A | A | A | A | A | A | A | A | A | A | A | A | A | | | |
| Utility Facility, Major | | | | | | | | | | | | | | | C | C | C | C | | | | |
| Transmission Line | C | C | C | C | C | C | C | C | C | C | C | A/C | C | A/C | A/C | A/C | A/C | C | C | 21.04.030(e)(6) | | |
| Waste and Salvage | | | | | | | | | | | | | | | | | | | | | | |
| Composting Facility | | | | | | | | | | | | | | | | C | C | | | | | |
| Junkyard or Salvage Yard | | | | | | | | | | | | | | | | C | C | | | 21.04.030(e)(7) | | |

Table 21.04-1: Principal Use Table
 A= Allowed Use C= Conditional Use
 For accessory use regulations, see Table 21.04-2 in Section 21.04.040

| Zone Districts | R-R | R-ER | R-IR | R-2R | RL-4 | RL-5 | RM-8 | RM-12 | RH-16 | RH-24 | MU-1 | MU-2 | MU-3 | CG | I-OR | I-1 | I-2 | P-1 | P-2 | Use-Specific Standards |
|--|-----|------|------|------|------|------|------|-------|-------|-------|------|------|------|----|------|-----|-----|-----|-----|------------------------|
| Transfer Facility, Medical and Hazardous Waste | | | | | | | | | | | | | | | | C | C | | | 21.04.030(e)(8) |
| Transfer Facility, Solid Waste | | | | | | | | | | | | | | | | C | C | | | |
| Recycling Collection Facility | | | | | | | | | | | | | | | | C | C | | | |
| Recycling Collection Point | | | | | | | | | | | C | C | C | C | C | C | C | C | C | |
| Solid Waste Disposal or Processing Facility | | | | | | | | | | | | | | | | C | C | | | |
| Temporary Uses | | | | | | | | | | | | | | | | | | | | |
| Emergency Shelter, Temporary | A | A | A | A | A | A | A | A | A | A | A | A | A | A | A | A | A | A | A | |
| Parking Lot, Temporary | | | | | | | | | | | A | A | A | A | A | A | A | | A | 21.04.050(b) |
| All Other | | | | | | | | | | | A | A | A | A | | A | A | A | A | 21.04.050(c) |

21.04.030 USE-SPECIFIC STANDARDS

(a) Performance Standards for All Uses

No person shall occupy, maintain, or allow any use in any zone district without continuously meeting the following minimum standards regarding vibration, smoke, odor, noise, glare, wastes, fire hazards, and hazardous materials.

(1) Vibration

Except during construction or as authorized by the City, an activity or operation that causes any perceptible vibration of the earth to an ordinary person on any other lot or parcel shall not be permitted.

(2) Noise

The owner and occupant shall regulate uses and activities on the property so that sound never exceeds 65 decibels at any point on the property line.

(3) Glare

Lights, spotlights, high temperature processes, or otherwise shall not be visible from any lot, parcel, or right-of-way.

(4) Solid and Liquid Waste

All solid waste, debris and garbage shall be contained within a closed and screened dumpster, refuse bin and/or trash compactor. Incineration of trash or garbage is prohibited. No sewage or liquid wastes shall be discharged or spilled on the property.

(5) Hazardous Materials

Information and materials to be used or located on the site whether on a full-time or part-time basis that are required by the SARA Title III Community Right to Know shall be provided at the time of any City review, including the site plan. Information regarding the activity or at the time of any change of use or expansion, even for existing uses, shall be provided to the Director.

(b) Residential Uses and Structures

(1) Cottage Court Dwelling

(i) Dimensional and Density Standards

- (A) The minimum project size for a cottage court development is one-half acre and the maximum project size is five acres. The cottage court development may be a designated area within a larger development.
- (B) The following standards shall apply to individual units:

| Lot Standards | |
|---|-----|
| Private Common Open Space | |
| Area of Individual open space (min, sf) | 400 |
| Dimensions of any Side (min, ft) | 20 |

| | |
|---------------------------|-------------------|
| Lot Standards | |
| Building Standards | |
| Density (units/acre) | |
| Minimum Maximum | Per zone district |
| Footprint Area (max) | |
| Per cottage (sf) | 1,200 average |
| Height and Separation | |
| Height (max) | Per zone district |
| Building separation (min) | Per Building Code |

- (C) A minimum of one dwelling unit or an increase of up to 20 percent over the maximum density (rounded up) is allowed when the project can meet all other applicable GJMC standards.
- (D) All other building and lot requirements, including principal and accessory structure setbacks and lot coverage limitations, for the base zone district shall apply to the project site as a whole, not individual units.

(ii) Design Standards

- (A) A minimum of 10 percent of the total lot area shall be private common open space. The private common open space may be divided into multiple locations, each of which shall meet the minimum area and dimensional standards.
- (B) A community building(s) for the sole use of the cottage court dwelling residents may be used to meet up to 25 percent of the required common open space requirement. Community buildings shall not count toward the maximum density calculation.
- (C) Paved paths for pedestrian circulation may count toward common open space, but parking areas and driveways for vehicular circulation may not count toward common open space.
- (D) Accessory dwelling units are prohibited.
- (E) Multifamily dwellings landscaping requirements apply per GJMC Chapter 21.07 and may count toward up to 30 percent of the required private common open space.

(2) Manufactured Housing Community

(i) Density and Setbacks

All building and lot requirements, including principal structure setbacks and maximum density requirements, for the base zone district shall apply to the project site as a whole (not individual units).

(ii) Manufactured Homes and Spaces

- (A) Recreational vehicles or travel trailers may not be used as residences within a manufactured housing community. Mobile homes, as defined in this Code and separate from manufactured homes, may not be used as a dwelling in the City except in an established mobile home park. No new mobile homes shall be placed in the City.
- (B) Each space shall be numbered in a conspicuous location and a space map posted at the entrance to the property.
- (C) All manufactured home spaces shall abut on a hard-surfaced roadway of not less than 20 feet in width. The roadway shall:
 - a. Be adequately lighted and drained;
 - b. Have unobstructed access to a paved public street or highway; and
 - c. Not contain on-street parking.
- (D) No additions shall be built onto any manufactured home other than a porch or entryway. Porches and entryways may not extend any closer than 10 feet from the nearest manufactured home and its additions.
- (E) All manufactured homes shall be skirted and anchored in a manner approved by the Director.

(iii) Site Design

- (A) All buildings and manufactured homes within the community shall be served with centralized water supply and sewage disposal systems approved by the City.
- (B) All parking and driveway areas shall be paved with an all-weather surface that is constructed of concrete, asphalt, or a similar dust-free impermeable or permeable material.
- (C) Convenient, safe pedestrian path networks at least five feet wide shall be provided from dwelling units to recreation areas, bus stops, parking areas, commercial uses, nearby schools, and any public facility within or directly adjacent to the subject property. All access shall conform to City standards.
- (D) At least 15 percent of the gross area of the manufactured housing community shall be set aside for recreational purposes for use by the residents of the community. Outdoor recreation areas may include but are not limited to adult recreation and child play areas, such as outdoor games, picnic tables and seating, playgrounds, and swimming pools. They do not include areas for guest parking, or utilities.
- (E) No portion of a recreation area may be less than 20 feet in width or length.
- (F) All manufactured housing communities shall meet the applicable landscaping and buffering standards set forth in GJMC Chapter 21.07. Maintenance

- (G) All manufactured housing communities shall be maintained in accordance with the requirements of this section, applicable State of Colorado Department Health regulations, and other applicable City regulations.
- (H) The property owner shall be responsible for ongoing maintenance for all site elements included in the original approval of the manufactured housing park such as landscaping, signage, parking, streets, stormwater, drainage, outdoor recreation areas and other features unless otherwise specified in the development agreement.

(iv) Existing Manufactured Housing Communities

Existing manufactured housing communities shall comply with the above standards to the maximum extent practicable, except that:

- (A) Existing mobile homes may continue to be used in mobile home parks established prior to 1976;
- (B) Existing spaces may be used provided that any additions made after the Effective date of the Code shall comply with setback requirements of this subsection; and
- (C) Paving of existing driveways only shall be required if the community is expanded or the number of spaces increased.

(3) Boarding or Rooming House

(i) Standards

In a Residential zone district, a boarding or rooming house shall not exceed the maximum density for the zone district, with density calculated as two rented rooms equal one dwelling unit.

(ii) Process

An application for a boarding or room housing shall meet and follow the procedural requirements of GJMC 21.02.040.

(4) Fraternity or Sorority

(i) Location and Applicability

- (A) A fraternity or sorority is allowed only within the core campus of Colorado Mesa University or within 500 feet of the boundary of the core campus. The core campus is that area situated south of Orchard Avenue, west of North 12th Street, north of North Avenue and east of North 7th Street, and that area north of Orchard Avenue, west of 12th Street, south of Walnut Avenue, and east of College Place.

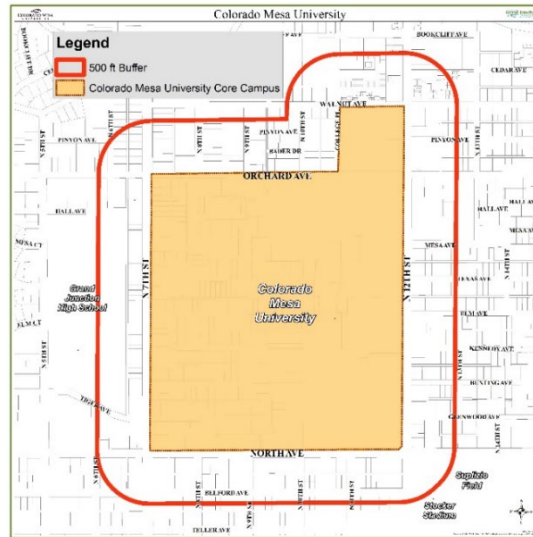


Figure 04.03-1 Colorado Mesa University Core Campus Boundary

(B) The limitations, standards and requirements of this subsection do not apply to a fraternity or sorority located entirely within the core campus.

(ii) Standards for Fraternity or Sorority

- (A) In a Residential zone district, a fraternity or sorority may exceed the maximum residential density so long as the standards described in this subsection are met.
- (B) Each residential structure shall provide a minimum of 100 square feet per occupant. Regardless of square footage, the number of residential occupants shall not exceed 35.
- (C) There shall not be more than four beds in a single room.
- (D) Each property line abutting a right-of-way, open or undeveloped tract or another property that is not used as a fraternity or sorority shall have a minimum six-foot-tall solid fence and an eight-foot-wide landscaped strip located inside the fence.

(iii) Process

An application for a fraternity or sorority shall meet and follow the procedural requirements of GJMC 21.02.040.

(5) Group Living Facility

(i) Standards

(A) Spacing Requirement

- a. A group living facility in an R-R, R-ER, R-1R, R-2R, RL-4, RL-5, or RM-8 zone district shall be at least 750 feet from every other group living facility in any such zone district.

- b. There is no spacing requirement where either one of the two group living facilities being measured against one another is in a zone district not listed in this subsection.
- c. The separation distance shall be measured in the following manner:
Computed by direct measurement from the nearest property line of the land used for a group living facility to the nearest property line of an existing group living facility, using the most direct route of public pedestrian access, measured as a person would walk along right-of-way, with right angles at crossings and with the observance of traffic regulations and traffic signals (see Figure 04.03-2); except that a group living facility shall not be located adjacent to another even if by such route the distance is greater than 750 feet.

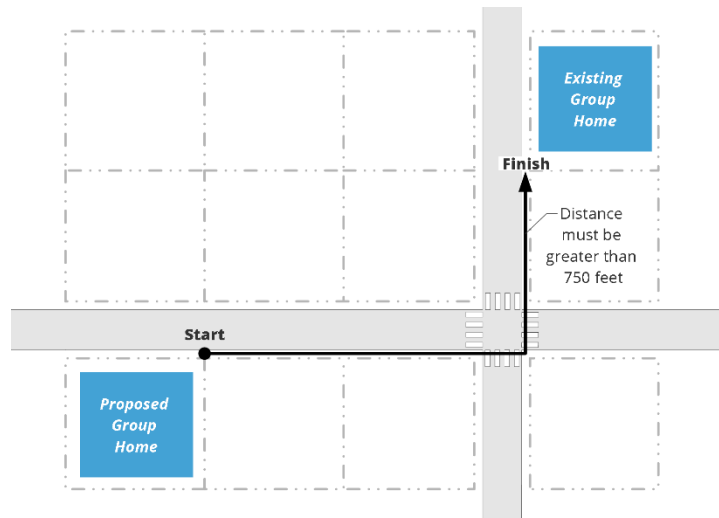


Figure 04.03-2 Group Living Facility Separation Calculation

(B) Compliance with Other Standards

- a. The group living facility must comply with the applicable City, state and other building, fire, health, and safety codes as well as all applicable requirements and development standards applicable to the zone district in which the group living facility is to be located except as modified in this subsection.
- b. Group living facilities in a Residential zone district shall meet all applicable district, use, and development standards.

(C) Density and Minimum Lot Area

- a. Group living facilities must not exceed maximum density for the zone district, with density of the facility calculated as four beds equal one dwelling unit.
- b. The site must contain at least 500 square feet per resident, except where a multifamily structure is being converted to a group living facility, in which

case the minimum adequate lot area shall be in accordance with the requirements of the zone district.

(D) Accessory Uses

- a. Accessory uses authorized with a group living facility are on-site recreational facilities, parking of vehicles for visitors, occupants and staff, and staff housing. The Director may approve other accessory uses that will have substantially similar impacts.
- b. Only the administrative activities of the person or organization operating the facility shall be conducted at the facility. No office or other space in the facility or on the site may be leased or used for activities unrelated to the group living facility.

(E) Provision of Services in Residential Zone Districts

A group living facility in a Residential zone may provide services to nonresidents, but only up to the total number of residents permitted in the facility. For example, if there are nine residents at a group living facility that is allowed to have 16 residents, no more than seven nonresidents may use the services the facility provides at any one given time. This restriction does not apply in Mixed-Use, Commercial, Industrial, and Public, Parks, and Open Space zone districts.

(ii) Process

An application for a group living facility shall meet and follow the procedural requirements of GJMC 21.02.040.

(c) Public, Institutional, and Civic Uses

(1) Assembly, Community or Religious/Private Group

(i) Art Gallery, Museum, or Library

An art gallery, museum, or library is prohibited in the R-R, R-ER, R-1R, R-2R, RL-4, RL-5, and RL-8 zone districts. All other community assemblies are allowed.

(ii) General Requirements

(A) Seating Capacity and Public Notice

- a. Maximum seating capacity shall be based upon the seating capacity in the largest assembly area of the principal structure.
- b. Community and religious/private group assembly uses with a maximum seating capacity of up to 300 or a maximum seating capacity of 301 to 600 for those uses that are located on a parcel or lot abutting a principal or minor arterial or collector street, as identified on the City's Streets Classification Map, are allowed uses in all Residential zone districts.
- c. Community and religious/private group assembly uses with a maximum seating capacity of 301 to 600 in a Residential zone district require public

notice if not located on a parcel or lot abutting a principal or minor arterial or collector street, as identified on the City's Grand Junction Circulation Plan.

- d. Community and religious/private group assembly uses with a maximum seating capacity greater than 600 require a public notice in all Residential zone districts.

(B) Site Design and Layout

The front yard setback shall be counted towards the percentage of gross land area to be landscaped in all RM zone districts.

(2) Community Corrections Facility

- (i) A community corrections facility shall manage and supervise "offenders" in accordance with adopted standards and pursuant to a contract supervised and administered by an agency of the State of Colorado.
- (ii) Independent community corrections facilities are subject to the same or equivalent, standards and rules applicable to a facility which is subject to § 17-27-101 C.R.S., et seq.
- (iii) The applicant for a community corrections facility that is not administered pursuant to § 17-27-101 C.R.S., et seq., shall identify, and provide as required by the Director, the rules and contract under which such facility is regulated and administered.
- (iv) An applicant for a community corrections facility shall provide to the Director, upon request, evidence that the facility/program is:
 - (A) Subject to "program audits" by the state or an agent of the state; and
 - (B) Operating and has been operated in compliance with all applicable standards.

(d) Commercial Uses

(1) Adult Entertainment

- (i) The City Council finds that the concentration of certain adult entertainment establishments in cities tends to result in the blighting and deterioration of the areas of such concentration. Accordingly, it is necessary that these establishments be regulated in a manner as to prevent the erosion of the character of affected neighborhoods.
- (ii) No adult entertainment establishment shall be permitted within the City of Grand Junction except as provided in this Code.
- (iii) The purpose of this subsection is to establish for the zoning and location of adult entertainment establishments that:
 - (A) Are not a nuisance; and
 - (B) Do not violate the provisions of the law regarding sexual conduct, obscene material, or obscene conduct.
- (iv) Nothing in this Code authorizes, legalizes, or permits the establishment, operation, or maintenance of any business, building or activity which violates any other municipal

ordinance or provision of the laws regarding nuisances, sexual conduct, obscene material, or obscene conduct. "Obscene material" or "obscene conduct" means that material or conduct that, taken as a whole, appeals to the prurient interest of the average person, applying a contemporary local standard and depicts or describes sexual conduct that, taken as a whole, lacks serious literary, artistic, political, or scientific value. The term "contemporary local standard" means that the material or conduct at issue must be measured in terms of the contemporary community standards of the City.

(v) Prohibition

No person, corporation, or business of any sort or description, shall cause or permit the location or operation of an adult entertainment establishment within 1,000 feet of the property line of another such business or within 1,000 feet of the property line of any church, school, park, playground, public building or within 1,000 feet of any residentially zoned property as the same are established under this Code. The operation of an adult entertainment establishment shall include the opening of such business as a new business, the relocation of such business or the conversion of an existing business location to any of the uses described in this subsection.

(vi) Gaming Arcades

The City Council finds that it is necessary to preserve the public health, safety, morals, and general welfare of the residents and businesses of the City by affording time for City staff to evaluate the impact of gaming arcades, whether such uses are legal and, if so, can be appropriately sited within the City with appropriate regulation, or whether such uses are or should be prohibited.

(A) Imposition of Moratorium

A moratorium period is hereby declared on all new establishments not in existence or the relocation of existing establishments as of March 5, 2023, constituting gaming arcades (aka skilled gaming businesses), slot machine(s), gambling device(s) and simulated gambling device(s) from the effective date of the ordinance codified in this subsection, March 5, 2023, for the period of 365 days to March 5, 2024 (inclusive), or until further action of the City Council ending, modifying or extending this moratorium, whichever occurs first. Such further action shall be taken accordingly by ordinance of the City Council. No applications pertaining to sales and use tax, amendments to the official Zoning Map, site development, liquor license, sign permit, building permit, any development permit, or renewal or transfer of any of the aforementioned shall be accepted for review by the City for the moratorium period as defined herein.

(B) Repeal

Subsection (d)(1)(vi) of this section is repealed effective March 5, 2024.

(2) Animal Agriculture

(i) Total Number of Large Animals Allowed

For the purpose of this subsection, large agricultural animals shall include horses, mules, burros, sheep, cattle, pigs, alpacas, llamas, and standard goats and are subject to the following:

- (A) The R-R, R-ER, R-1R, R-2R, P-1, and P-2 districts shall not have more than one large agricultural animal per $\frac{1}{4}$ acre of land.
- (B) All other districts shall not have more than one large agricultural animal per $\frac{1}{2}$ acre of land.

(ii) Total Number of Small Animals Allowed

For the purpose of this subsection, small agricultural animals shall include dwarf or pygmy goats, rabbits and any type of fowl and are subject to the following:

- (A) Parcels of $\frac{1}{2}$ acre or less shall not have more than six adult animals.
- (B) Parcels greater than $\frac{1}{2}$ acre shall not have more than 15 adult animals per acre.

(iii) Roosters Prohibited

Roosters, of any breed, are prohibited in all districts except on properties of at least five acres. A rooster shall be defined as any adult male domestic chicken that is three months of age or older.

(iv) General Requirements

(A) Fencing and Separation

- a. All large agricultural animals kept on a parcel shall be fenced so that they are no closer than 100 feet from any residential structure on another property. For the purpose of this section, the first in time shall be the first in right. Written permission, if the animal were not first in time, for a lesser distance may be obtained from the property owner, or if not owner occupied, from the occupant.
- b. Small agricultural animals that are kept outside the residence shall be confined by a fence, cage, pen, or coop so as to be no closer than 20 feet from a principal residential structure on an adjoining property.

(B) Allowances by Conditional Use Permit

- a. No person shall keep, house, or shelter one or more pigs in any zone district other than R-R unless such person has obtained a Conditional Use Permit in accordance with the provisions of GJMC 21.02.050(f).
- b. In the R-R district, the number of agricultural animals and small animals (including roosters) allowed under this subsection may be exceeded with a Conditional Use Permit. If the Conditional Use Permit is approved, the permit

shall state the maximum number of animals allowed by type and in the aggregate.

(3) Animal Clinic or Hospital

Any outdoor animal areas shall be located at least 150 feet from each abutting property, except where the abutting property is owned or occupied by the operator of the use.

(4) Mobile Food Vendor and Mobile Food Vendor Court

(i) Applicability

These regulations apply to all mobile food vendors and mobile food vendor courts operating on private property, except when a mobile food vendor is operating as a temporary use under the provisions of GJMC 21.04.050.

(ii) Signage

The total allowable square footage of signage for a mobile food vendor shall be 32 square feet, excluding signage fixed to an operable motor vehicle.

(iii) Landscaping, Screening and Buffering

Mobile food vendors and mobile food vendor courts are exempt from the landscaping, screening, and buffering provisions of GJMC Chapter 21.07.

(iv) Sanitary Facilities

- (A) Any mobile food vendor or mobile food vendor court shall provide and maintain a sanitary facility on site or shall provide and maintain a written agreement with a property and/or business owner allowing mobile food vendor employees and customers to share the use of that property's existing sanitary facilities.
- (B) The structure containing shared sanitary facilities must be located within 750 feet from location of the mobile food vendor as identified on the approved site sketch.
- (C) No shared sanitary facility may be shared with a residential land use. Mobile food vendors operating as temporary uses under the standards of GJMC 21.04.050 shall be exempt from this requirement.

(v) Utilities

Permanent hookups to utilities shall not be provided for mobile food vendors but may be provided for mobile food vendor courts.

(vi) Wastewater Discharge

Wastewater produced by mobile food vendors shall be discharged only at a facility with an approved industrial pretreatment system or by a licensed waste hauler.

(5) Short-Term Rentals (STR)

(i) Purpose

The purpose of this regulation is to allow short-term rentals with a permit within the regulatory boundaries established by the City. These regulations are to assist in

protecting the health, safety, and welfare of property owners, neighbors, and occupants.

(ii) Applicability

These regulations apply to all uses meeting the definition of short-term rental. Private covenants running with land may restrict or prohibit short-term rentals; it is the responsibility of the property owner, not the City or any employee or agent thereof, to ensure compliance with restrictive covenants.

(iii) Permit Required

No person or entity shall sell lodging to a temporary occupant(s) of a dwelling unit for fewer than 30 consecutive days without first having obtained a short-term rental permit issued by the City and complying with any conditions or restrictions thereof. A short-term rental permit is valid for a period of one year and is subject to annual permit reviews in a form prescribed by the City. A separate short-term rental permit is required for each short-term rental unit and will be issued as either a primary or secondary short-term rental. A short-term rental permit may be issued only to the owner of the property used for short-term rental and is not transferable. A short-term rental permit may be issued by the Director upon finding that the requirements of this subsection (5) are met. A permit may contain conditions and restrictions.

- (A) Primary short term rental permits shall not be issued for more than seven percent of residentially zoned lots within the downtown area, defined as south of North Avenue, West of North 17th Street, North of Interstate 70 Business, and East of Highway 50.
- (B) Primary short-term rental permits shall not be issued for more than three percent of the residentially zoned lots outside of the downtown area as defined in (B) above.
- (C) No more than two short-term rental permits shall be issued in a residentially zoned building with four dwelling units or less. Only one of the two permits issued may be a primary short-term rental permit.
- (D) A residentially zoned building with more than four dwelling units shall not be issued short-term rental permits for more than 10 percent of the units in the building, provided that a minimum of one short-term rental is permitted on all lots.

(iv) Occupancy

- (A) The number of occupants at any given time in a short-term rental unit shall not exceed two persons per bedroom plus two additional renters, including the operator, except where the Director determines that the size, configuration and/or structural features of the unit allow greater or lesser occupancy.
- (B) A short-term rental permit shall only be issued and/or renewed in a Residential zone district when an applicant demonstrates that there is one additional parking

space for each bedroom above four bedrooms on the lot. No additional required parking may be located between the front facade of the principal structure and the public street or private access way.

(C) The permit shall specify the maximum occupancy of the unit.

(v) Designated Local Responsible Party

(A) The property owner shall designate one or more local person(s) who will be permanently available and responsible for immediately responding to complaints about or violations of law or of permit terms. Local as used herein means having a permanent address within a 20-mile radius from the short-term rental property and a 24-hour contact phone number.

(B) The designated local responsible party may be the owner of the property if he or she meets the local criteria.

(C) The designated local responsible party must be authorized by the property owner to permit inspection of the premises by the City and/or its agent or employee to ensure compliance with applicable fire and building codes and with the requirements for and/or of the short-term rental permit.

(vi) General Requirements

The owner of a dwelling used or to be used as a short-term rental shall:

(A) Obtain a tax license from the City of Grand Junction and comply with all applicable local, state, and federal taxes;

(B) Demonstrate and certify that the unit contains the following on the premises at all times:

- a. A smoke detector in good working order;
- b. A carbon monoxide detector in good working order;
- c. Adequate and functional building egress from each sleeping room in the unit;
- d. Posted notice providing in detail the following information in a highly visible location and readily accessible form:
 - 1. Location of building exits and fire extinguishers;
 - 2. 24-hour emergency contact information;
 - 3. Parking areas and parking restrictions, including a notice that parking on lawns is not allowed;
 - 4. Noise restrictions and quiet hours;
 - 5. Trash disposal instructions including trash pickup location and schedule;
 - 6. Maximum occupancy restrictions; and

7. City permit number.

- (C) Certify all units maintain a fire extinguisher in good working order;
- (D) Permit inspection of the premises by the City or its agent or employee during the pendency of the permit application, and thereafter upon reasonable notice;
- (E) Provide with its application a sketch or drawing of the unit that depicts all rooms, doors, and windows, including dimensions, and shows on-site areas available for guest parking;
- (F) If the short-term rental unit is accessed by a shared driveway, provide the City with a copy of a written instrument authorizing use of the driveway for short-term rental purposes;
- (G) Provide the name, address, and phone number of the designated local responsible party to the City, and update such information with the City whenever it changes;
- (H) Renew permit annually with the City, certifying that the permit terms and requirements are still being met and updating any material changes to the unit or property; and
- (I) Where food is prepared and served to guests/lodgers on the premises, demonstrate compliance with Mesa County Health Department regulations.

(vii) Revocation, Suspension, and Appeal

- (A) A short-term rental permit may be suspended or revoked for any of the following reasons:
 - a. The owner or designated responsible party has failed to comply with a requirement of this subsection (5).
 - b. The owner or designated responsible party has failed to comply with a condition of or restriction set forth in the short-term rental permit.
 - c. The owner has failed to collect or remit lodging taxes or otherwise comply with local, state, and/or federal tax requirements.
 - d. Materially false or misleading information has been provided to the City by the applicant, owner or designated responsible party on an application.
 - e. The City has received excessive and substantial complaints by neighbors or affected persons that were not adequately and timely addressed by the owner or designated responsible party.
- (B) Notice of permit revocation shall be provided to the owner, who shall then be given an opportunity to respond within 10 days. The Director will issue any decision to revoke or suspend a permit within 10 days of the response date.

- (C) Any aggrieved person may appeal the issuance, denial, suspension, or revocation of a short-term rental permit to the Zoning Board of Appeals within 10 days of the issuance of the decision.

(6) Campground or Recreational Vehicle Park

(i) Residential Occupancy Prohibited

A camping guest shall not use a campsite as a permanent residence or domicile.

(ii) Campground Design and Overall Site Layout

All commercial campgrounds shall meet the requirements of the Colorado Code of Regulations found in 9 CCR 1010-9, as may be amended, in addition to the standards provided in this section.

(A) Access and Circulation

- a. Entries, access drives, and parking areas shall meet City dimensional and fire standards and grading, drainage, and dust control requirements as applicable.
- b. The surface of entries and access drive aisles shall be paved with asphalt or concrete with a pavement section paved in compliance with the Fire Code.
- c. Pedestrian walkways shall be surfaced with a firm and stable, ADA-accessible material and designed to provide safe pedestrian circulation within the campground.

(B) Lighting

- a. Entries, access drive aisles and walkways shall be lighted every 500 feet consistent with the overall design of the campground. All lighting fixtures shall comply with the standards in GJMC Chapter 21.11.
- b. Entryways to common service buildings shall be lighted during all operational hours between dusk and dawn.

(C) Parking

Parking or unit pull-in spaces shall be finished with a firm and stable material.

(D) Site Layout

- a. At least one campsite with accessible/mobility features shall be provided for each 25 campsites within the campground.
- b. An overflow area for campsites may be established, but shall not exceed five campsites/parking areas per 100 in the campground.
- c. Common service buildings including restroom and shower facilities shall be located no closer than 20 feet nor more than 500 feet from any campsite that may be used by a dependent camping unit.

(E) Landscaping

- a. Areas of campgrounds that abut residential properties shall be screened by a solid fence or year-round vegetation measuring six feet in height. Fences shall comply with GJMC 21.05.090 and any design guidelines.
- b. All areas shall be covered with either the natural vegetation and/or an acceptable form of ground cover so as to facilitate drainage, reduce dust, prevent erosion, and reduce fire hazards.
- c. One tree per 2,500 square feet of the total net area used as campsites (excluding drive aisles, common areas or areas with common buildings) is required. Trees may be distributed throughout the campground.
- d. All other landscaping shall comply with GJMC Chapter 21.07.

(F) Recreation Area

Each campground with 50 campsites or more shall provide an active recreational area(s) such as a tot lot or playground, horseshoe pits or lawn game area consisting of a minimum of 100 square feet per campsite.

(iii) Campsite Design

- (A) Any campsite shall be set back a minimum of 25 feet from a right-of-way.
- (B) Each campsite shall provide a minimum of 750 square feet of space per intended camping unit and have a minimum width of 25 feet.
- (C) A camping unit either in full set-up mode (all extensions/pull-outs in place), placed or built on a site shall not occupy more than 75 percent of the area of the campsite. Campsite size shall be larger than the minimum if larger camping units are intended and/or allowed.
- (D) If a campsite may be used for multiple units, it shall provide at least another 400 square feet per each additional camping unit.
- (E) Camping units or attachments to camping units (e.g., slideouts, awnings) shall be set back a minimum of three feet from individual campsite boundary lines or five feet from campground property boundary lines.
- (F) Each site shall be marked and/or numbered for identification in a conspicuous location that is legible from the campground access drives.
- (G) No permanent or semi-permanent structures, such as cabins, lean-tos, accessory structures, sheds, or habitable buildings, whether placed on a permanent foundation or not, shall be erected on a campsite except by the owner/operator of the property.

(iv) Water Services

- (A) The campground water supply system shall be designed, constructed, and maintained in compliance with all applicable codes. At campsites that provide for

full or partial hook-up, the water system shall be connected to a public water supply system.

- (B) Common water faucets shall be conveniently accessible from any campsite intended for dependent camping units.
- (C) Spillage, overflow, drainage, or wastewater from common faucets shall be discharged to approved drains or otherwise designed to prevent impoundment of water, creation of mud holes, or other nuisance conditions.
- (D) A water station for filling water storage tanks shall be provided at the rate of one station for every 100 campsites or part thereof that are designed for independent camping units. The water station shall be posted with a sign indicating it is potable water.

(v) Sanitary Sewer

- (A) At campsites that provide for full or partial hook-up, the sewer service shall be connected to a public sewer system.
- (B) It is recommended that one sanitary waste station connected to a public sewer system be provided for campgrounds designed for greater than 100 independent camping units.
- (C) When a sanitary waste station is provided, it shall be located on a level site with a concrete slab sloped to a center drain and be easily accessible from the access drive.
- (D) When a sanitary waste station is provided, a means for flushing holding tanks and the immediate area shall be provided at each sanitary waste station. The flushing station shall consist of a properly supported water riser pipe, valved outlet and attached hose.
- (E) A flushing sink or other means of disposal connected to the public sewer system shall be provided for disposal of liquid wastes from dependent camping units unless a sanitary waste station is provided and is conveniently located to these campsites.

(vi) Restroom and Shower Facilities

- (A) All common restroom and shower facilities shall be connected to public water and sewer systems. Privies are not allowed within campgrounds within the City limits.
- (B) Required toilet, sink and shower facilities shall be provided in the following minimum numbers:
 - a. Where a campground is designed and operated for exclusive use by independent camping units, at least one toilet and one sink shall be provided for each 50 campsites.

- b. Where a campground accepts or accommodates dependent camping units, at least one toilet and one sink shall be provided for every 15 campsites not provided with sewer connections and one shower shall be provided for every 15 campsites or fractional part thereof. Sinks shall be provided at each building containing toilet facilities at a rate of one sink per toilet for up to six toilets and one sink for every two toilets thereafter.

(vii) Health, Safety and Maintenance

- (A) Emergency and fire safety rules and regulations shall be conspicuously posted by campground management and shall include the following information in addition to any other information required by the Fire and/or Police Department and any other laws and regulations:
 - a. Information needed for summoning the Fire and Police Departments.
 - b. Campground location information needed to provide to responding emergency services.
 - c. Location of common water faucets.
 - d. Location of fire suppression hydrant(s).
 - e. Location of sanitary waste station(s).
 - f. Map of campground, identifying all buildings and campsites by number.
- (B) All areas including the storage, collection and disposal of refuse shall be maintained to minimize health and accidents, fire, air quality and other nuisance conditions.
- (C) Durable, water-tight, easily cleanable refuse containers, sufficient to contain all refuse from the campground, shall be provided. Provision of recycling containers for separation of plastic, glass, metal, and aluminum containers is recommended.
- (D) All trash collection areas shall be contained with a 6-foot privacy fence or wall on at least 3 sides of the area.
- (E) A 6-foot fence shall be provided around hazardous areas such as swimming pools, utility areas or storage of hazardous materials.
- (F) A fire ring shall be provided at any campsite that allows the use of combustible fuel. Location of the fire rings shall be shown on the site plan.

(7) Flea Market

(i) Site Design

- (A) Flea markets shall not derive access from a collector or local street that serves a Residential zone district located within 1,200 feet of the property on which the flea market is located.

- (B) Parking areas shall only be accessible by driveways meeting standards established in TEDS (GJMC Title 29).
- (C) No booth, stall, or other display area shall be placed or maintained within any required setback area.
- (D) Sanitary facilities shall be provided on site as required by the Director.

(ii) Storage

All items for sale shall be stored indoors, within an approved screened storage area per GJMC 21.04.040(e)(3)(ii) or removed from the site at the close of each business day.

(iii) Operational Standards

Flea markets shall not be open for business in excess of 16 hours per day.

(8) Regulated Cannabis Store

(i) Applicability

These regulations apply to all regulated cannabis stores in addition to the other provisions in the GJMC pertaining to cannabis stores, including, but not limited to, Chapters 5.13 and 5.14 GJMC.

(ii) Zoning

- (A) It is unlawful for a regulated cannabis store to operate in a building that contains a dwelling unit that is occupied or unoccupied.
- (B) There shall be no more than two regulated cannabis stores operating within the boundaries of the Horizon Drive Business Improvement District, as may be amended.
- (C) There shall be no regulated cannabis stores located on the ground floor of any buildings in the downtown Grand Junction area defined as Main Street bounded by the west intersection line of First Street and bounded by the east by the centerline of 7th Street.

(iii) Separation

No regulated cannabis stores shall be located within any of the following required separation distances, measured as specified in GJMC 21.14.010(b)(1):

- (A) Within 1,000 feet of any private or public elementary, middle, junior high, or high school.
- (B) Within 1,000 feet of Colorado Mesa University (Main Campus) and Western Colorado Community College.
- (C) Within 500 feet of any services for prevention, treatment, or recovery from substance use and mental health concerns, as licensed by the Colorado Department of Human Services, Office of Behavioral Health (OBH).

(9) Vehicle Fuel Sales, Vehicle Repair, Major and Minor, or Vehicle Wash

- (i) No above ground equipment for the service of gasoline, oil, air, or water shall be closer than 10 feet to any right-of-way.
- (ii) If the principal use of the property is major or minor vehicle repair, the vehicles intended for repair shall not be stored in any right-of-way or in required parking spaces. Areas for storage of vehicles intended for repair must be screened along any street frontage.

(10) Vehicle Impound Lot

(i) Screening

Screening shall be provided as required in GJMC 21.05.080.

(ii) Location

No storage yard or storage lot shall be placed or maintained within a required setback.

(iii) Waste Management

- (A) Unusable items shall be disposed of and not be allowed to collect on the premises.
- (B) No garbage or other putrescent waste, likely to attract vermin, shall be kept on the premises. Gasoline, oil, or other hazardous materials which are removed from scrapped vehicles or parts of vehicles kept on the premises shall be disposed of in accordance with applicable federal, state, and local regulations.

(11) Vehicle Sales, Rental, and Leasing, Heavy and Light

No more than one vehicle display pad, elevated up to six-feet in height as measured at the highest point, shall be permitted per 100 feet of street frontage.

(e) Industrial Uses

(1) Artisan Industrial

- (i) All activities shall be conducted within a completely enclosed building.
- (ii) If located in a Mixed-Use zone district, this use shall not exceed 10,000 square feet of gross floor area.
- (iii) In the I-2 zone district, retail sales of goods produced on the property shall be prohibited.

(2) Mining and Extraction

(i) Application

Where a mining or extraction use requires CUP approval in Table 21.04-1: Principal Use Table, an application for a Major Site Plan pursuant to GJMC 21.02.040(k) shall be submitted simultaneously.

(ii) Location

- (A) Gravel extraction and/or processing activities should occur on parcels of sufficient size so that extraction and reclamation can be undertaken while still protecting the health, safety, and welfare of the citizens.
- (B) Where gravel extraction and/or processing is adjacent to zoning or land uses other than I-1 or I-2, mining, handling, and batch processing activities may be restricted, buffering may be required and/or disturbance/reclamation may be accelerated to be compatible with the adjacent zone district or use.

(iii) Standards

(A) Compliance with State and Federal Requirements

- a. Mineral extraction, washing, crushing, cement and asphalt batch planting and other mined products related uses shall be subject to an approved excavation permit, well permit, air pollution permit, reclamation plan and any and all other permits, certifications, or requirements of the state or federal agencies having jurisdiction as required.
- b. All air emissions shall comply with standards established by the Mesa County Health Department, State Health Department and Colorado Air Quality Control Commission.
- c. All water use and/or discharge shall conform to standards established by law and administered by the Environmental Protection Agency (EPA), the Colorado Department of Public Health and Environment (CDHPE), the City of Grand Junction and the Mesa County Health Department.

(B) Location of Operations

- a. Excavation or deposit of overburden is not permitted within 30 feet of an abutting parcel, an easement, an irrigation ditch or canal or right-of-way unless by written agreement of the owner of such property, easement, irrigation ditch, canal or right-of-way.
- b. Excavation within 125 feet of an existing residence is not permitted unless by written agreement of the owners and occupants of the residence. No rock crushing, asphalt/cement plant or other similar equipment or operations shall take place any closer than 250 feet of a residence. The Planning Commission may require a greater distance if the operation is abutting a Residential zone district.
- c. At a minimum, 100 feet greenbelt setback shall be provided from jurisdictional wetlands or navigable watercourses as the same are defined by the U.S. Army Corps of Engineers (USACE). The Director upon recommendation and consent of the USACE may vary this standard.

(C) Vegetation and Screening

- a. Prior to starting operation, existing trees and vegetation shall, to the maximum extent practicable, be preserved and maintained in the required setback to protect against and reduce noise, dust, and erosion. The Director may require vegetative screening and/or buffering in accordance with GJMC Chapter 21.07 if the operation is adjacent to a residential use or Residential zone district. Required fencing, screening and/or buffering shall not be removed until reclamation has been completed.
- b. Fencing around the perimeter of the property is required.
- c. All disturbed areas shall be revegetated in accordance with the vegetation plan.
- d. Following initial revegetation efforts, the revegetated area shall be maintained for a period of three years or until all vegetation is firmly established in the reclamation area.

(D) Operational Characteristics

- a. Excavation, loading, handling, processing, and batch operations adjacent to Residentially zone districts shall not exceed 65 decibels at the property line of any adjacent parcel.
- b. Hours of operation shall be restricted to 6:00 a.m. to 6:00 p.m. The Director may authorize different hours; however, the Director may also restrict as part of the Conditional Use Permit the hours of operation near residential or urbanized areas.
- c. Operations shall comply with the noise, vibration and other applicable standards and requirements of this Code. If there are conflicting or competing provisions in this Code, the most stringent shall apply.

(E) Site Design and Maintenance

- a. In no event shall a slope of steeper than 2:1 be left for dry pits. A pit with a slope of 3:1 or steeper shall not exceed a depth of 10 feet. The floor of excavation pits, whether wet or dry, shall be left in a suitable condition.
- b. The owner/operator shall not excavate, store overburden or mined material or dike the property in such a manner as to increase any drainage or flooding on property not owned by the operator or damage public facilities and/or property.
- c. After mining has been completed, the site shall not to be used to stockpile sand and/or gravel except in I-1 and I-2 with a Conditional Use Permit. In any event the owner/operator is to reclaim the site as rapidly as possible.
- d. All slopes shall be stabilized. Land remaining at the natural water level shall be revegetated in a manner compatible in type as/with the immediately

prevailing area. Revegetation plans are required and shall minimally meet the standards of the Colorado Mine Land Reclamation Board.

- e. The Director may place restrictions on right-of-way use after review of the traffic analysis. Restrictions may include but are not limited to the owner or operator being responsible for the extraordinary upgrade and maintenance of the designated haul route.
- f. Streets, bridges, and highways designated as haul routes shall be maintained by the owner/operator in a reasonably clean condition. This may include, depending on local conditions, watering, oiling, or sweeping as determined by the Director.
- g. Signage for public safety is required.

(3) Mini-Warehouse

(i) Uses Permitted

- (A) This use shall not include the sale of any item of personal property, any type of commercial activity, including such uses as sales, service and repair operations, manufacturing, or truck/equipment rentals, other than the leasing of the units.
- (B) Estate or foreclosure sales held by the mini-warehouse owner or operator shall be allowed.

(ii) Outdoor Storage

No outside storage shall be permitted except the storage of licensed vehicles within approved areas designated for such storage. This storage shall meet the requirements of GJMC 21.04.040(e)(3)(ii).

(iii) Landscaping and Screening

All mini warehouses shall provide the following in addition to meeting standards of GJMC Chapter 21.07:

- (A) For outdoor mini warehouse units, landscaping islands shall be provided at the end of each row of storage units when visible from the public right-of-way. Landscape islands shall be planted with shrubs that reach at least five feet of height at maturity.

(iv) Driveway Standards

Drive aisles within outdoor mini-warehouse facilities shall be a minimum of 26 feet wide for single-load aisles and 30 feet for double-load aisles.

(v) Identification

Individual mini warehouses shall be clearly marked with numbers or letters identifying the individual units and a directory of the unit locations shall be posted at the entrance or office of the facility.

(4) Outdoor Storage, Commercial

- (i) All outdoor storage shall be screened per GJMC 21.05.040(e)(3).
- (ii) Except for integral units, stored items shall not project above any screening.
- (iii) The storage or accumulation of waste products, including paint, stain, oils, grease, or other flammable, toxic, or hazardous materials, or stagnant water, shall require a Conditional Use Permit and shall not exceed applicable Fire Code requirements.

(5) Telecommunications Facilities

(i) Permit Required

- (A) No telecommunications facility shall be installed, constructed, altered, added to, or permitted unless the Director has first approved a site plan review for the property and the facilities and a permit has been issued. Telecommunications facilities and infrastructure shall be constructed and maintained in conformance with all applicable building code requirements as well as with the terms of the permit issued under this section.
- (B) No telecommunications facility shall be altered, added to, installed, or permitted unless the applicant has shown compliance with all the requirements of this section. The requirements of this section apply to all telecommunications facilities, whether concealed or not, whether aboveground or underground, including but not limited to existing towers, proposed towers, public towers, replacement of towers, ancillary structures and equipment, co-location on existing towers, base stations, temporary telecommunications facilities, PWSF facilities, DAS facilities, small cell sites and/or networks, and broadcast towers, except that the following are exempt and no permit is required:
 - a. An amateur radio tower that is used exclusively for noncommercial purposes;
 - b. A government-owned telecommunications facility erected for a state of emergency officially declared by a federal, state, or local government and where the City Manager has made a written determination of public necessity for the facility, and only during the duration of the state of emergency;
 - c. A government-owned public safety facility; and
 - d. Over-the-air reception devices (OTARD), including satellite earth stations, so long as the device does not require construction of a tower or other structure exceeding 12 feet above the home or building and the device is no more than one meter in diameter in a Residential zone district or two meters in any other zone district.

(ii) Permit Types

(A) Administrative Permit

For those types of facilities that are allowed in the given zone district, and for qualified co-locations, an administrative permit (a permit issued by the Director) is required. The permit shall be processed and decided in accordance with GJMC 21.02.040 and this subsection.

(B) Conditional Use Permit

For those types of facilities that require a Conditional Use Permit, the Director shall review the application and make a recommendation to the Planning Commission who shall hold a hearing on the application and who may approve, approve with conditions, or deny the application in accordance with GJMC 21.02.050(f) and this subsection.

(C) Right-of-Way Work/Use Permit

Facilities/structures located in the right-of-way shall be placed so as not to interfere with vehicular or pedestrian use of the rights-of-way or with traffic safety. Any/all work in the right-of-way requires a separate permit pursuant to the City's right-of-way management ordinance. The provider shall comply with all the provisions and terms of the right-of-way management ordinance and right-of-way work permit. As-built construction drawings shall be provided to the City for all structures, equipment, cable, pipes, and conduit located within the right-of-way or within a public or City-owned utility or multipurpose easement, that must include, for fiber optic cable, the number of strands of fiber in the conduit.

(D) Consolidated Application/Permit

For the following facility types, the applicant shall be allowed, at the applicant's discretion, to file a single, consolidated application for multiple facilities and receive a single review/permit/decision instead of filing separate applications for each facility (however, right-of-way work permit(s) may also be required):

- a. For small cell networks involving multiple individual small cell facilities within the City; and
- b. For an applicant desiring to co-locate on several wireless service facilities within the City.

(E) Shadow Conduit

For all telecommunications facility development/installation that involves trenching or excavation in the right-of-way or in a public or City-owned utility or multipurpose easement, the applicant shall notify the City 30 days prior to commencing such excavation and provide the City the opportunity to install conduit in the same trench/excavation area. The City will pay for the incremental costs of the shadow conduit only.

(iii) General Requirements Applicable to All Telecommunications Facilities

(A) Signage

Commercial messages shall not be displayed on any tower, support structure or ancillary structure, unless the tower is concealed and the means of concealment is or includes an existing sign or unless a sign is serving as a dual purpose facility or a base station. Required noncommercial signage shall be subject to the following:

- a. The only signage that is permitted upon a concealed tower, equipment cabinet, shelter or fence shall be informational, and for the purpose of identifying the tower (such as ASR registration number), as well as the party responsible for the operation and maintenance of the facility, and any additional security and/or safety signs as applicable.
- b. If more than 220 voltage is necessary for the operation of the facility and is present in a ground grid or in the tower, signs located every 20 feet and attached to the fence or wall shall display in large, bold, high contrast letters, minimum height of each letter four inches, the following: "HIGH VOLTAGE – DANGER."
- c. Name plate signage shall be provided, in an easily visible location, including the address and telephone number of the contact to reach in the event of an emergency or equipment malfunction, including property manager signs as applicable.

(B) Lighting

Lighting on PWSF towers shall not exceed the Federal Aviation Administration (FAA) minimum standards. All other lighting shall be subject to the following:

- a. Any lighting required by the FAA must be of the minimum intensity and number of flashes per minute (i.e., the longest duration between flashes) allowable by the FAA. Dual lighting standards are required with strobe during daytime and red flashing lights at night unless prohibited by the FAA.
- b. Lights shall be filtered or oriented so as not to project directly onto surrounding property or rights-of-way, consistent with FAA requirements.

(iv) Siting of Telecommunications Facilities

(A) Compliance with Siting Preferences

For every application for siting of new telecommunications facilities on or above ground level (except temporary PWSF and co-locations), the applicant must submit an affidavit by a radio frequency engineer demonstrating compliance with the siting preferences of subsection (6)(x). Where a lower ranking alternative is proposed, the affidavit must address why each of the higher ranked options are not technically feasible, practical, and/or justified.

- (B) Where the application is for siting of PWSF, whether for a new facility, modification of existing facility, replacement facility or co-location, and whether the permit is administrative or a Conditional Use Permit, the following additional decision-making requirements apply:
 - a. If the application is denied, the decision maker shall issue the decision in writing, including the basis for the denial, which must be supported by substantial evidence contained in a written record. The written basis for the decision must be issued contemporaneously with the decision.
 - b. The application cannot be denied, nor can conditions be applied or required, based upon considerations of radio frequency (RF) emissions safety, other than to require the applicant to demonstrate that all applicable FCC rules are satisfied.

(v) Streamlined Processing for Co-Location of PWSF

- (A) If the applicant believes its co-location application is an eligible facilities request or a qualified co-location request, the applicant must submit:
 - a. A complete co-location application specifically requesting streamlined processing and stating the applicable permitting time frame (e.g., 60 days for eligible facilities request or 90 days for qualified co-location request);
 - b. Documentation evidencing that any structure proposed to be replaced or modified has previously been subject to zoning/development approval by the City;
 - c. Documentation evidencing the replacement/modification does not create a substantial change in the underlying support structure or tower, or a statement that it does create a substantial change;
 - d. Documentation that the proposed modifications will be used to provide personal wireless services.
- (B) The Director shall review and decide applications for co-location of PWSF.
- (C) The Director will notify the applicant within 30 days of submission (or within some other mutually agreed upon time frame) if the submission is incomplete, identifying the specific deficiencies in the application which, if cured, would make the application complete.
- (D) Upon notice of deficiency, the timeline for a decision shall be tolled until the applicant resubmits to correct such deficiency. The City shall, within 10 days of resubmission, notify the applicant of continuing deficiencies or the application will be deemed complete. The timeline for a decision shall be likewise tolled during the additional resubmission deficiency period until the second resubmission. Upon resubmitting of the revised application the City shall follow the process identified in this section, above, until all deficiencies identified are deemed cured.

- (E) If the Director fails to provide such notification, the application will be deemed complete.
- (F) The Director's decision shall be in writing and shall be postmarked to the applicant within 60 days after the initial submission, excluding any tolling period, for an eligible facilities request, or, for a qualified co-location, within 90 days after the initial submission, excluding any tolling period, or within some other mutually agreed upon time frame.
- (G) If the City does not respond in writing to an eligible facilities request within the specified time frame, the application shall be deemed approved. If the City does not respond in writing to a request for a qualified co-location within the specified time frame, the applicant may pursue its remedies established by federal or state law.

(vi) Timing for Review of New PWSF Tower Applications

A new PWSF tower, whether concealed or nonconcealed, shall be reviewed and a decision rendered within 150 days of receipt of the application, subject to any applicable tolling for application deficiencies and resubmissions as described in subsection (6)(iv), so long as the applicant demonstrates that the facilities will be used, immediately upon completion of construction, to provide personal wireless services, or within such other mutually agreed upon time. ("Spec" towers are not entitled to review and decision within 150 days, or to any of the other protections of the Telecommunications Act.) Construction permits issued for new PWSF towers shall be valid for a term of 18 months and shall lapse and be void if construction of the contemplated PWSF structure is not completed within that time.

(vii) Application and Fees

- (A) Application materials required for telecommunications facilities shall be in accordance with this section and with the specific application requirements in the City's Submittal Standards for Improvements and Development (SSID) Manual. The application form and requirements are specific to the type of telecommunications facility.
- (B) The City Council shall establish fees to cover or offset the processing cost of all permits under this section which will be included in the development fee schedule. Every application for a telecommunications facility shall be accompanied by the full payment of the fee established for the type of facility requested. Payment of fees is required in order for an application to be considered complete. The fee shall not be, in whole or in part, deferred or waived.
- (C) The City reserves the right to require, in its sole discretion, a supplemental review by experts for any application for a telecommunications facility where the complexity of the analysis requires technical expertise, and/or for any request to vary a standard under subsection (6)(xix), and all the costs of such review shall be borne by the applicant, in addition to scheduled fees.

- (D) Based on the results of the supplemental review, City staff responsible for the initial application review may require changes to or supplementation of the applicant's submittal(s).
- (E) The supplemental review may address any or all of the following:
 - a. The accuracy and completeness of the application and any accompanying documentation.
 - b. The applicability of analysis techniques and methodologies.
 - c. The validity of conclusions reached.
 - d. Whether the proposed telecommunications facility complies with the applicable approval criteria and standards of this Code and other applicable law.

(viii) Abandonment/Discontinued Use

- (A) All telecommunications facility structures, equipment, fencing and devices shall be removed from the property and the site returned to its natural state and topography and vegetated consistent with the natural surroundings or current surrounding land uses at the property owner's and/or service provider's expense within 180 days of cessation of use, or within 90 days of cessation of use if the abandonment is associated with a replacement.
- (B) The City may extend the time for removal and site restoration up to 60 additional days if the owner or service provider requests and shows good and unique cause for the extension.
- (C) If removal and/or site restoration is not accomplished within the prescribed time, the City may initiate removal and restoration within 30 days following written notice to the property owner, and the property owner and service provider shall be jointly and severally responsible for all costs associated with the removal and restoration.
- (D) Conduit and/or fiber optic cable, whether below or above ground, that is or has been abandoned or the use of which is discontinued for one year shall become the property of the City of Grand Junction. Easements for the maintenance of such conduit/cable shall also become the property of the City of Grand Junction, which shall have all the benefit and interest of the original easement holder with respect to installation, maintenance, and repair of conduit/cable.

(ix) No Interference with Public Safety Communications

- (A) Applicant shall, regardless of the type of facility, comply with "Good Engineering Practices" as defined by FCC regulations and shall provide a composite analysis of all users of the site to determine that the proposed facilities will not cause radio frequency interference with any governmental public safety communications and shall implement appropriate technical measures to prevent such interference.

- (B) When the City notifies a wireless service provider that it believes the provider's antenna(s) or array(s) are creating such interference, the provider shall investigate and mitigate the interference, if any, utilizing the procedures set forth in the joint wireless industry-public safety "Enhanced Best Practices Guide," released by the FCC in Appendix D of FCC 04-168 (released August 6, 2004), including the "Good Engineering Practices," as may be amended or revised by the FCC from time to time in any successor regulations.
- (C) If the provider fails to comply with this subsection (6)(ix), including but not limited to by initiating an appropriate response within 24 hours of the City's notification, the provider and the property owner shall be jointly and severally responsible for reimbursing the City for all costs associated with ascertaining and resolving the interference.

(x) Siting Preferences for New Telecommunications Facilities

Siting of new PWSF of any type shall be in accordance with the siting preferences below and with Table 21.04-1: Principal Use Table. Broadcast towers are not subject to the siting preferences. Broadcast towers shall not be located on a Wireless Master Plan priority site; those are reserved and planned for PWSF and public safety telecommunications facilities. Where a lower ranked alternative is proposed, the applicant must demonstrate through relevant information including, but not limited to, an affidavit by a radio frequency engineer demonstrating that despite diligent efforts to adhere to the established hierarchy within the geographic search area, higher ranked options are not technically feasible, practical or justified given the location of the proposed facilities, by clear and convincing evidence. The applicant must provide such evidence in its application in order for the application to be considered complete. The siting preferences are, in order:

- (A) Co-located or combined PWSF.
- (B) Concealed antenna(s) on a base station.
- (C) Nonconcealed antenna(s) on a base station.
 - a. On a Wireless Master Plan priority site.
 - b. On City-owned property in any nonresidential zone district.
 - c. On other public property in any nonresidential zone district.
 - d. On nonpublic property in the following zone districts, ranked highest to lowest:
 - 1. I-2, I-1, or I-OR.
 - 2. C-2.
 - 3. MU-2.
 - 4. P-2.

5. P-1.
 6. Other zone districts in accordance with Table 21.04-1: Principal Use Table.
- (D) Replacement of existing telecommunications facility in any zone district.
- (E) Dual purpose facility.
- (F) Concealed small cell site.
- (G) Nonconcealed small cell site.
- (H) Distributed Antenna System.
- a.** Attached
 1. Concealed on City-owned property, right-of-way, or public easement.
 2. Concealed on other public property.
 3. Concealed on nonpublic property.
 4. Nonconcealed on City-owned property, right-of-way, or public easement.
 5. Nonconcealed on other public property.
 6. Nonconcealed on nonpublic property.
 - b.** New Freestanding DAS Facility
 1. Concealed on City-owned property, right-of-way, or public easement.
 2. Concealed on other public property.
 3. Concealed on nonpublic property.
 4. Nonconcealed on City-owned property, right-of-way, or public easement.
 5. Nonconcealed on other public property.
 6. Nonconcealed on nonpublic property.
- (I) Concealed Freestanding Towers.
- a.** On a Wireless Master Plan priority site.
 - b.** On City-owned property in any nonresidential zone district.
 - c.** On other public property in any nonresidential zone district.
 - d.** On nonpublic property in the following districts, ranked highest to lowest:
 1. I-2 or I-1.
 2. CG.
 3. MU-2.

4. Other zone districts, in accordance with Table 21.04-1: Principal Use Table.
- e.** Preferred Concealment Type (Wherever Located):
- Concealment types listed below are general preferences, in no particular order. The appropriate means of concealment will depend upon the structures and developed features already existing in the area. Innovative concealment is encouraged so long as it is visually integrated into the immediate surroundings.
1. Tree of a type naturally occurring or normally found in the geographic area.
 2. Church steeple.
 3. Bell or clock tower.
 4. Belfries, domes, or chimneys.
 5. Elevator towers.
 6. Flag poles.
 7. Water towers.
 8. Cupolas.
 9. Other architectural or art feature.



Figure 04.03-3 Examples of Concealed Facilities

- (j)** Nonconcealed Towers.
- a.** On a Wireless Master Plan priority site.
 - b.** On City-owned property in any nonresidential zone district.
 - c.** On other public property in any nonresidential zone district.
 - d.** On nonpublic property in the following districts, ranked highest to lowest:
 1. I-2;
 2. I-1;
 3. CG;

4. MU-2.
- e. Preferred Tower Type (Wherever Located):
 1. Monopole.
 2. Lattice.
 3. Guyed.

(xi) Temporary PWSF Specifications and Requirements

Temporary PWSF shall be permitted by the Director where all of the following are met:

- (A) It will be in place for no more than 60 days (subject to a one time extension of an additional 60 days for good cause);
- (B) Notification of construction is provided by the applicant to the FAA;
- (C) It does not require marking or lighting by the FAA;
- (D) It will be less than 200 feet in height; and
- (E) It does not involve any excavation (or excavation where prior disturbance exceeds proposed excavation by at least two-feet).

(xii) Telecommunications Facility Co-Location and Combination

The City requires co-location and combining of telecommunications facilities on existing towers, existing base stations or existing alternative support structures (dual purpose facilities) as a highest priority where such co-location is possible. A permit shall be required for co-location of facilities on an existing tower, existing base station, or dual purpose facility. Co-location or combination of telecommunications facilities requires an administrative permit, and is subject to the following:

- (A) A co-located or combined antenna or antenna array shall not exceed the maximum height prescribed in the applicable land use permit or increase the height of an existing tower by more than 20 feet and shall not affect any tower lighting, except as provided for herein below. A PWSF co-location that does not create a substantial change in the tower or support structure shall be approved within 60 days (subject to tolling) in accordance with subsection (6)(iv).
- (B) If the applicant who seeks to co-locate PWSF demonstrates a coverage gap that cannot be addressed by a co-location that meets subsection (6)(xii)(A), the applicant may request a Variance of the height limitation in accordance with subsection (6)(xix). If the co-location is a qualified co-location under 47 U.S.C. §332(c)(7), the Director shall render a decision within 90 days, subject to tolling, in accordance with subsection (6)(iv) of this section.
- (C) New antenna mounts shall be flush-mounted onto existing structures where flush mounting was a condition of the original approval, unless it is demonstrated through radio frequency (RF) propagation analysis that flush-mounted antennas will not meet the network objectives of the desired coverage area, or unless

applicant demonstrates that flush-mounting would interfere with existing antenna mounting or coax arrangements that were previously approved.

- (D) The equipment cabinet shall be subject to the setback requirements of the underlying zone district.
- (E) When a co-located or combined antenna is to be located on a nonconforming building or structure, then the existing permitted nonconforming setback shall prevail.
- (F) No signage shall be permitted on an antenna or antenna array that is combined with or co-located on an alternative support structure; however, the support structure may itself be an existing sign, so long as the sign was approved through a non-telecommunications facility development permit or Sign Permit.

(xiii) New Base Stations – Concealed and Nonconcealed

- (A) Antennas and equipment may be mounted onto a structure that is not primarily constructed for telecommunications purposes in accordance with Table 21.04-1: Principal Use Table. A permit is required for base station antennas and equipment mounted onto such an alternative structure. In Residential zone districts, the following structures shall not be used as base stations or to support PWSF or commercial antenna(s): single-family detached dwelling, single-family attached dwelling, duplex dwelling, multifamily dwelling of fewer than three stories in height, any use categorized as group living in Table 21.04-1: Principal Use Table, or adult or child day care center.
- (B) If the facility is concealed, the top of antenna(s) shall not be more than 35 feet above the existing or proposed building or structure, except that antenna(s) located on the perimeter of the supporting structure shall not be more than 10 feet above the supporting structure.
- (C) If the facility is nonconcealed, the top of the antenna shall not be more than 20 feet above the existing or proposed building or structure and shall not be located on the perimeter of the supporting structure.
- (D) New antenna mounts shall be flush-mounted onto existing structures unless it is demonstrated through radio frequency (RF) propagation analysis that flush-mounted antennas will not meet the network objectives of the desired coverage area.
- (E) New antenna mounts shall meet the setbacks and height restrictions of the underlying zone district.
- (F) When attached base station antenna(s) and equipment is/are to be located on a nonconforming building or structure, the existing permitted nonconforming setback or height shall prevail.
- (G) Concealed base station attached antennas, feed lines and antennas shall be designed to architecturally match the façade, roof, wall, and/or structure on which

they are affixed so that they blend with the existing structural design, color, and texture.

- (H) No signage shall be allowed on an antenna or antenna array that is located on an alternative structure; however, the alternative structure itself may have a sign that was otherwise approved as part of a non-telecommunications facility development application or Sign Permit.

(xiv) Antenna Element Replacement or Modification

A permit is required for any replacement or modification of existing antenna(s) and associated equipment, and the replacement or modification shall comply with the following:

(A) Height

The increase in height of a PWSF that is modified shall not create a “substantial change” in the PWSF.

(B) Equipment Cabinets and Equipment Shelters

Electronic equipment shall be contained in either (a) equipment cabinets or (b) equipment shelters. Equipment cabinets shall not be visible from pedestrian and right-of-way views. Equipment cabinets may be provided within the principal building on the lot, behind a screen on a rooftop, or on the ground within the fenced-in and screened equipment compound.

(C) Sounds

No unusual sound emissions such as alarms, bells, buzzers, or the like are permitted. Emergency generators are allowed. Sound levels shall not exceed 65 decibels as measured at the property boundaries for the facility.

(xv) Tower/Support Structure Replacement

(A) Permit Required

A permit is required for replacement of a tower and support structure. The applicant must demonstrate by clear and convincing competent evidence that replacement will accomplish at least one of the following:

- a. Reduction in the number of telecommunications facility support structures or towers;
- b. Replacement of a nonconcealed tower with a concealed tower;
- c. Significant reduction of the visual impact of a telecommunications facility;
- d. Replacement of an existing tower with a new tower so as to improve network functionality resulting in compliance with this section; and/or
- e. Replacement of an existing support structure to increase the number of personal wireless service providers located on such structure.

(B) Development Standards

a. Setbacks

A new tower approved for replacement shall not be required to meet new setback standards so long as the new tower and its equipment compound are no closer to any property lines or dwelling units as the tower and equipment compound being replaced. The intent is to encourage the replacement process, not penalize the tower owner for the change out of the old facility. (For example, if a new tower is replacing an old tower, the new tower is permitted to have the same setbacks as the tower being removed, even if the old tower had nonconforming setbacks.)

b. Height

The height of the replacement tower or support structure shall not create a substantial change of the facility being replaced.

c. Breakpoint Technology

A replacement monopole tower shall use breakpoint technology in the design of the replacement facility.

d. Visibility

Replacement towers or support structures shall be configured and located in a manner that minimizes adverse effects on the landscape and adjacent properties, with specific design considerations as to height, scale, color, texture, and architectural design of the buildings on the same and adjacent zoned lots.

e. Construction Standards

All replacement towers shall be constructed and maintained to meet ANSI/EIA/TIA-G (as amended) Series III, Exposure C structural standards.

(xvi) DAS and Concealed Small Cell Facilities

(A) Attached DAS Development Standards

- a.** Where feasible, antennas can be placed directly above, below or incorporated with vertical design elements of a building or structure to maximize concealment. The top of the antenna(s) shall not exceed more than seven feet above the tallest level of the structure on which it is attaching.
- b.** Attached equipment box and power meter is discouraged; however, if attachment is justified, equipment box and meter shall be located on the pole at a height that does not interfere with pedestrian or vehicular traffic or visibility and where applicable shall not interfere with street name signs or traffic lighting standards.
- c.** Freestanding equipment box and/or power meter not attached to an existing structure shall be located no farther than two feet from the base of the structure and shall not interfere with pedestrian or vehicular traffic.

Screening materials may be required if the equipment box and/or meter are adjacent to a right-of-way or along a pedestrian sidewalk or pathway.

- d. All cables shall be installed internally; but where internal mounting is not possible, surface mounted wires shall be enclosed within conduit or a similar cable cover which should be painted to match the structure or building on which that DAS is mounted.

(B) New Freestanding DAS Facility and Concealed Small Cell Facility Development Standards

a. Height

The total height of DAS facility/small cell facility including antenna shall not exceed one foot above the height of existing public utility poles for power or light in the same geographic area.

b. Setbacks

Setbacks for DAS/small cell outside of the right-of-way shall meet the same setbacks of the underlying zone district for similar structures.

c. Ground Equipment

1. The use of foliage and vegetation around ground equipment may be required by the City based on conditions of the specific area where the ground equipment is to be located.
2. In order to avoid the clustering of multiple items of ground equipment in a single area, a maximum of two ground equipment boxes may be grouped together in any single location. In addition, such locations must be spaced a minimum of 500 linear feet of right-of-way apart from each other.
3. Individual ground equipment boxes shall not exceed three feet wide by three feet deep by five feet high in size.
4. The size and height of new freestanding DAS and concealed small cell facility poles shall be no greater than the size and height of any other telecommunications facility poles located in the same or similar type of rights-of-way in the City.

d. Visibility of New DAS/Small Cell Poles

1. New DAS/small cell structures shall be configured and located in a manner that minimizes adverse effects on the landscape and adjacent properties, with specific design considerations as to height, scale, color, texture, and architectural design of the buildings on the same and adjacent zoned lots. Concealment design is required to minimize the visual impact of wireless communications facilities.

2. All cables, conduits, electronics, and wires shall be enclosed within the structure.
3. Small cell facilities shall be no larger in size than what is specified in the definition.
4. New DAS/small cell structures shall be located in arterial rights-of-way whenever possible. Placement of new DAS/small cell structures in rights-of-way other than arterials shall be justified by an engineering analysis from the applicant to the satisfaction of the city engineer prior to the issuance of any permit. Whenever new DAS/small cell structures must be placed in a right-of-way with residential uses on one or both sides of the street, no pole, equipment, antenna, or other structure may be placed directly in front of a residential structure. If a right-of-way has residential structures on only one side of the street, the new DAS/small cell structure shall be located on the opposite side of the right-of-way whenever possible. All new DAS/small cell structures shall be located such that views from residential structures are not significantly impaired. Newly installed poles for new DAS/small cell structures should be located in areas with existing foliage or other aesthetic features in order to obscure the view of the pole.
5. New DAS/small cell structures located in rights-of-way shall be constructed and maintained so as not to interfere with, displace, damage, inhibit or destroy any other utilities or facilities, including but not limited to sewer, gas or water mains or service lines, storm drains, pipes, cables or conduits, or any other facilities lawfully occupying the right-of-way, whether public or private. All wireless communications facilities shall be placed and maintained so as not to create interference with the operations of public safety telecommunications service. The City reserves the right to place and maintain, and permit to be placed or maintained, sewer, gas, water, electric, storm drainage, communications, and other utilities and facilities, cables or conduit, and to do, and to permit to be done, any underground and overhead installation or improvement that may be deemed necessary or proper by the City in rights-of-way occupied by the new DAS/small cell structure.

e. Equipment Cabinets

Equipment shelters or cabinets shall be consistent with the general character of the neighborhood and historic character if applicable. Equipment shelters or cabinets shall be screened from the public view by using landscaping, or materials and colors consistent with the surrounding backdrop.

1. Screening enclosures shall be allowed when the design is architecturally compatible with the building.

2. Screening materials shall consist of materials and colors consistent with the surrounding backdrop and/or textured to match the existing structure.
3. The use of foliage and vegetation around ground equipment may be required based on conditions of the specific area where the ground equipment is to be located.
4. Small cell equipment cabinets shall comply with the size requirements set forth in the definitions above.

(C) DAS Hub Development Standards

a. Setbacks

Setbacks for DAS hubs outside of the right-of-way shall meet the setback standards of the underlying zone district.

b. DAS Hub

Equipment shelters or cabinets shall be consistent with the general character of the neighborhood and historic character if applicable. Equipment shelters or cabinets shall be screened from the public view by using landscaping, or materials and colors consistent with the surrounding backdrop.

1. Screening enclosures shall be allowed when the design is architecturally compatible with the building.
2. Screening materials shall consist of materials and colors consistent with the surrounding backdrop and/or textured to match the existing structure.
3. The use of foliage and vegetation around ground equipment may be required based on conditions of the specific area where the ground equipment is to be located.

(xvii) Concealed and Nonconcealed Telecommunications Towers (Not Including DAS or Broadcast Tower)

(A) Procedure

- a. A Pre-Application Meeting is required for a new telecommunications tower. A permit and a Major Site Plan review shall be required for a new telecommunications tower. The permit required may be an administrative permit or a Conditional Use Permit, depending upon the zone district and/or whether or not the site is a priority site on the Wireless Master Plan.
- b. No new tower shall be permitted unless the applicant demonstrates that no existing tower or qualified alternative support structure can accommodate the applicant's proposed use, or that co-location on such existing facilities would have the effect of prohibiting personal wireless services in the geographic search area to be served by the proposed tower.

(B) Development Standards

a. Height

1. New concealed towers shall be limited to 200 feet in height. Height calculations shall be made in accordance with FAA standards, and shall include all appurtenances.
2. New nonconcealed (nonbroadcast) towers shall be limited to 150 feet in height. An applicant desiring a new nonconcealed tower taller than 150 feet must request a Variance in accordance with subsection (6)(xix). However, under no circumstance shall any nonconcealed tower exceed 199 feet.

b. Setbacks and Spacing from Residential Structures

A new tower shall be subject to the principal structure setbacks of the underlying zone district, and, with respect to any residential structure on adjacent property:

1. If the tower has been constructed using breakpoint design technology, the minimum distance from any residential structure shall be equal to 110 percent of the distance from the top of the structure to the breakpoint level of the structure, or the minimum principal structure setbacks, whichever is greater. Certification by a registered professional engineer licensed by the State of Colorado of the breakpoint design and the design's fall radius must be provided together with the other information required herein from an applicant. (For example, on a 100-foot-tall monopole with a breakpoint at 80 feet, the minimum distance from the residential structure would be 22 feet (110 percent of 20 feet, the distance from the top of the monopole to the breakpoint) plus the minimum principal structure setback requirements for that zone district.)
2. If the tower is not constructed using breakpoint design technology, the minimum distance from any residential structure shall be equal to the height of the proposed tower.

c. Equipment Cabinets and Equipment Shelters

Electronic equipment shall be contained in either (a) equipment cabinets or (b) equipment shelters. Equipment cabinets shall not be visible from pedestrian and right-of-way views. Equipment cabinets may be provided within the principal building on the lot, behind a screen on a rooftop, or on the ground within the fenced-in and screened equipment compound.

d. Fencing

All equipment compounds shall be enclosed with an opaque fence or masonry wall in Residential zone districts and in any zone district when the equipment compound adjoins a right-of-way. Alternative equivalent

screening may be approved through the site plan approval process described in subsection e. below.

e. Buffers

The equipment compound shall be landscaped with a minimum 10-foot-wide perimeter buffer containing the following planting standards:

1. All plants and trees shall be indigenous to this part of Colorado.
2. Existing trees and shrubs on the site should be preserved and may be used in lieu of required landscaping as approved by the Community Development Department.
3. One row of evergreen trees with a minimum two-inch caliper, 25-foot on center.
4. Evergreen shrubs capable of creating a continuous hedge and obtaining a height of at least five feet shall be planted, minimum three-gallon or 24 inches tall at the time of planting, five-foot on center.
5. Alternative landscaping plans which provide for the same average canopy and understory trees but propose alternative locating on the entire subject property may be considered and approved by the Director, provided the proposed alternative maximizes screening as provided above, and is otherwise consistent with the requirements of this section.

f. Equipment Compound

The fenced-in compounds shall not be used for the storage of any excess equipment or hazardous materials. No outdoor storage yards shall be allowed in a tower equipment compound. The compound shall not be used as habitable space.

g. Structural Standards

All new concealed or nonconcealed PWSF towers shall be constructed and maintained to meet ANSI/EIA/TIA-G (as amended) Series III, Exposure C structural standards.

h. Visibility

1. Concealed

- i. New concealed towers shall be designed to match adjacent structures and landscapes with specific design considerations such as architectural designs, height, scale, color, and texture.
- ii. New antenna mounts shall be concealed and match the concealed tower.
- iii. In Residential zone districts and in Mixed-Use zone districts that include residential uses, new concealed towers shall not be

permitted on lots where the principal use or principal structure is single-family detached dwelling, single-family attached dwelling, duplex dwelling, multifamily dwelling of fewer than three stories in height, any use categorized as group living in Table 21.04-1: Principal Use Table, or adult or child day care center of fewer than three stories. Examples of land uses/structure types in residential areas where the site may include a concealed tower are: school, religious assembly, fire station, stadium tower or stand, or other similar institutional/civic uses/structures.

2. Nonconcealed

New antenna mounts shall be flush-mounted unless the applicant can demonstrate that flush-mounted antennas will not reasonably meet the network objectives of the desired coverage area or that more co-locations will be available on the tower if flush-mounting is not required.

3. Concealed and Nonconcealed

- i. New concealed and nonconcealed towers shall be configured and located in a manner that shall minimize adverse effects including visual impacts on the landscape and adjacent properties.
- ii. A balloon test shall be required subsequent to the receipt of the photo simulations in order to demonstrate the proposed height and concealment solution of the PWSF. The applicant shall arrange to raise a red or orange colored balloon no less than 3 feet in diameter at the maximum height of the proposed tower, and within 25 horizontal feet of the center of the proposed tower. The applicant shall meet the following for the balloon test:
 - (1) Applicant must inform the Community Development Department and abutting property owners in writing of the date and times, including alternative date and times, of the test at least 14 days in advance.
 - (2) A three-foot-by-five-foot sign with lettering no less than three inches high stating the purpose of the balloon test shall be placed at closest major intersection of proposed site.
 - (3) The date, time, and location, including alternative date, time, and location, of the balloon test shall be advertised in a locally distributed paper by the applicant at least seven but no more than 14 days in advance of the test date.
 - (4) The balloon shall be flown for at least four consecutive hours during daylight hours on the date chosen. The applicant shall record the weather, including wind speed, during the balloon test.

- (5) Re-advertisement will not be required if inclement weather occurs.
- iii. Towers shall be constructed to accommodate antenna arrays as follows:
 - (1) Up to 120 feet in height shall be engineered and constructed to accommodate no fewer than four antenna arrays.
 - (2) All towers between 121 feet and 150 feet shall be engineered and constructed to accommodate no fewer than five antenna arrays.
- iv. Grading shall be minimized and limited only to the area necessary for the new tower and equipment compound.
- v. No unusual sound emissions such as alarms, bells, buzzers, or the like are permitted. Emergency generators are allowed. Sound levels shall not exceed 65 decibels as measured at the property boundaries.

(xviii) Broadcast Towers

No new broadcast facilities shall be constructed or installed without a site plan review and a permit under this section. No new broadcast facilities shall be permitted unless the applicant provides a valid FCC construction permit and demonstrates that no existing broadcast tower can accommodate the applicant's proposed use. A Pre-Application Conference shall be required for any new broadcast facility.

(A) Height

Height for broadcast facilities shall be evaluated on a case-by-case basis; the determination of height contained in the applicant's FCC Form 351/352 construction permit or application for construction permit and an FAA determination of no hazard (FAA Form 7460/2) shall be considered prima facie evidence of the tower height required for such broadcast facilities.

(B) Setbacks

New broadcast facilities and anchors shall be set back a minimum of 500 feet from any single-family detached dwelling unit on the same zone lot; and a minimum of one-foot for every one-foot of tower height from all adjacent lots of record.

(C) Equipment Cabinets

Except for AM broadcast facilities, cabinets shall not be visible from pedestrian views.

(D) Fencing

All broadcast facility towers, AM antenna(s) towers, and guy anchors shall each be surrounded with an anti-climbing fence compliant with applicable FCC regulations.

(E) Buffers

- a. Except for AM broadcast facilities, it is the intent that all pedestrian views from rights-of-way and adjacent residential land uses be screened from proposed broadcast facilities. AM broadcast facilities shall, where practicable, use artificial screening devices in lieu of natural vegetation for screening its ground equipment located at the base of AM tower(s).
- b. Alternative landscaping plans which provide for the same average canopy and understory trees but propose alternative siting on the entire subject property on which the proposed facility is projected may be considered and approved by the Planning Division, provided the proposed alternative maximizes screening as provided above, and is otherwise consistent with the requirements of this section.

(F) Signage

- a. Commercial messages shall not be displayed on any tower.
- b. The only signage that is permitted upon an antenna support structure, equipment cabinets, or fence shall be informational, and for the purpose of identifying the antenna support structure (such as ASR registration number), as well as the party responsible for the operation and maintenance of the facility; i.e., the address and telephone number, security or safety signs, and property manager signs (if applicable).
- c. If more than 220 volts are necessary for the operation of the facility, signs located every 20 feet and attached to the fence or wall shall display in large, bold, high contrast letters (minimum height of each letter four inches) the following: "HIGH VOLTAGE – DANGER."

(G) Lighting

- a. Lighting on towers shall meet and not exceed the FAA minimum standards.
- b. Any lighting required by the FAA must be of the minimum intensity and number of flashes per minute (i.e., the longest duration between flashes) allowable by the FAA. Dual lighting standards are required and strobe light standards are prohibited unless required by the FAA. The lights shall be oriented so as not to project directly onto surrounding property, consistent with FAA requirements.

(H) Equipment Compound

The fenced-in compounds shall not be used for the storage of any excess equipment or hazardous materials. No outdoor storage yards shall be allowed in a tower equipment compound. The compound shall not be used as habitable space.

(I) Grading

Grading shall be minimized and limited only to the area necessary for the new tower and equipment.

(J) Sounds

No unusual sound emissions such as alarms, bells, buzzers, or the like are permitted. Emergency generators are allowed. Sound levels shall not exceed 65 decibels as measured at the closest property boundaries for the facility.

(K) Parking

The required parking space shall be provided within the leased area, or equipment compound or the development area as defined on the site plan.

(xix) Variance – PWSF Only

The purpose of this subsection is to ensure that land use decisions with respect to siting of personal wireless service facilities (PWSF) comply with 47 U.S.C. §332(c)(7)(B).

(A) From time to time, due to unique characteristics specific to a single application, such as terrain, existing infrastructure, or other factors unique to the particular location and proposed PWSF thereon, strict application of a specific development standard for siting of PWSF could have the effect of unreasonably discriminating among providers of functionally equivalent services within the meaning of 47 U.S.C. §332(c)(7)(B)(i)(I) or of prohibiting personal wireless services within the meaning of 47 U.S.C. §332(c)(7)(B)(i)(II). In such a case the applicant, so long as the applicant is a provider of personal wireless services who will be using the facility for provision of personal wireless services, may seek a Variance from such standard under this section. Considerations of increased financial costs are not unique characteristics and shall not constitute a valid basis for a Variance under this subsection. Moreover, the only development standards from which a Variance can be sought/approved under this subsection are the following:

- a. Maximum tower height;
- b. Flush mounting requirement; and
- c. Maximum height of antenna above base station/supporting structure (for nonconcealed PWSF only).

(B) To obtain a Variance under this subsection, the provider must demonstrate by clear and convincing evidence that:

- a. Due to characteristics specific and unique to the particular facilities and location, strict application of the development standard would not permit the applicant to address a demonstrable coverage gap or would result in unreasonable discrimination among providers of functionally equivalent services; and
- b. There is no reasonable alternative available, other than varying the standard, to address the demonstrable coverage gap or to avoid unreasonable

discrimination among providers of functionally equivalent services, including but not limited to use of another site, co-location on another facility, or modification of the proposed facility so as to meet the applicable standard; and

- c. The extent of the variance proposed is the minimum necessary to address the demonstrable coverage gap or to avoid unreasonable discrimination among providers of functionally equivalent services, as confirmed by qualified, independent third-party review of the proposal.

(C) The decision-maker for the Variance shall be the decision-maker for the underlying permit type required in accordance with this section and with Table 21.04-1: Principal Use Table. For example, if the facility requires an administrative permit, the Director shall decide the Variance request. If the facility requires a Conditional Use Permit, the Planning Commission shall decide the Variance request.

(6) Transmission Line

In the CG, I-OR, I-1, and I-2 zone districts, a Conditional Use Permit is required for above ground transmission lines.

(7) Junkyard or Salvage Yard

(i) Screening

Stored items shall not project above the screening except for integral units as defined in GJMC 21.14.020 and stacking of no more than two vehicles on top of a wheel stand. Integral units shall include shelving up to 20 feet in height for the purpose of storing recyclable materials. Integral units shall not be stored within the first 20 feet of the property from any street frontage property line.

(ii) Location

No storage yard or storage lot shall be placed or maintained within a required setback.

(iii) Operations and Site Management

- (A) All compaction, cutting and/or other material volume reducing operations shall be conducted to minimize the noise generated by the operation.
- (B) Unusable items shall be disposed of and not be allowed to collect on the premises.
- (C) All tires not mounted on operational vehicles shall be neatly stacked or placed in racks. If stacked, the stacks shall not be over six-feet in height; if on racks, the top of any tire on any rack shall not be over 10 feet in height.
- (D) No garbage or other putrescent waste, likely to attract vermin, shall be kept on the premises. Gasoline, oil, or other hazardous materials which are removed from scrapped vehicles or parts of vehicles kept on the premises shall be disposed of in accordance with applicable federal, state and local regulations.

(8) Medical and Hazardous Waste Transfer Facility

(i) Exemptions

A facility that provides temporary storage of hazardous or medical wastes generated on the site for a period not to exceed seven days or the time period allowed by the state is not subject to the provisions of this subsection.

(ii) Medical or Hazardous Waste Transfer Facility Report Requirements

An application for a Conditional Use Permit for a medical or hazardous waste transfer facility shall include the submission of a hazardous waste facility siting report by the applicant. This report shall summarize and analyze all pertinent information regarding the proposed siting of the facility, and shall meet all other application requirements as set forth on the City's website.

(iii) Medical or Hazardous Waste Transfer Facility Review Requirements

- (A) In granting a Conditional Use Permit for a Medical or Hazardous Waste Transfer Facility, the City may establish reasonable conditions including, but not limited to:
- a. Containment safeguards to prevent contamination of surface or groundwaters;
 - b. Buffering, screening and berming to ensure that operations or activities on site are adequately screened from off-site locations;
 - c. Noise levels at the property line shall not exceed the guidelines for community noise published in the American National Standard ANSI 53.23-1980, entitled "Sound Level Descriptions for Determination of Compatible Land Use," [§ 25-12-103 C.R.S.];
 - d. Seismic vibrations, if any blasting is to occur during either construction or operations, are not to exceed the standard established in U.S. Bureau of Mines Bulletin 656;
 - e. All on-site roads, driveways, parking and loading areas shall be paved to limit fugitive dust;
 - f. Odors shall be controlled to the maximum extent practicable using the best available technology;
 - g. Access to the site shall not use residential streets;
 - h. Fiscal assurances in a specified amount, in a form mutually acceptable to the operator and the City, to guarantee the operator's performance during the operation, closure and post-closure period, and to provide financial assurance with respect to any third party claimants for personal injury or property damage by persons residing or owning property within a specified distance from the facility, which damage can be shown to be a direct consequence of facility operations;
 - i. Limitation of the hours of operation;

- j.** A surface water drainage system to provide runoff and erosion control that can accommodate a 100-year, 24-hour storm and that any surface drainage which does come in contact with waste handled outside of sealed DOT approved containers is directed to an independent collection system;
- k.** Periodic monitoring of operations and stormwater runoff from the site. The facility operator shall reimburse the local government for their costs related to inspection, monitoring and other administration of facility operations;
- l.** Limitation of the types of waste which can be received at the site and standards ensuring that personnel are properly trained to handle wastes accepted at the site;
- m.** A franchise fee calculated to pay the City for the costs to review, monitor and enforce the permit;
- n.** To the extent that any technical environmental issues are raised, the operator, as part of the review process and prior to approval, shall reimburse the City for the cost of engaging the services of an independent expert to study and provide an opinion concerning the issues;
- o.** The operator shall allow the City and its designees to inspect the site during hours of operation without prior notice, to ensure that the facility is being operated in accordance with applicable conditions of approval;
- p.** Reimbursement to the City for the cost of special training, equipment and labor required for response to medical, fire and other emergencies; and
- q.** A yearly performance report for the facility. This report shall be presented to the Planning Commission annually and shall include, but not be limited to, the following:
 - 1. Volume and chemical classification of the substances received;
 - 2. Volume and chemical classification of the substances shipped from the site;
 - 3. Accidents;
 - 4. Location, type, and cause of the accident;
 - 5. Number and type of spills on and off site;
 - 6. Fires – type and location;
 - 7. List of corrective measures taken by the operator of the facility to prevent future occurrences;
 - 8. Site testing data;
 - 9. Number and type of violations found by E.P.A. or state inspectors; and
 - 10. Street and traffic safety improvements.

- r. An expiration date for the Conditional Use Permit approval.

21.04.040 ACCESSORY USES AND STRUCTURES

(a) Purpose

The purpose of this section is to:

- (1) Establish and promote neighborhoods with integrity and character;
- (2) Provide residents with the opportunity to use their property to enhance or fulfill personal objectives so long as the use of the property is not incompatible with this Code; and
- (3) Provide an appropriate level of flexibility for the use of property while maintaining compatibility.

(b) Applicability

Commonly allowed accessory uses are shown in Table 21.04-2, but that list does not include all possible uses that are secondary and subordinate to a principal use of land in each zone district. All principal uses allowed in a zone district shall be deemed to include those accessory uses, structures, and activities typically associated with the use, unless specifically prohibited in this Code and shall comply with all use-specific standards applicable to the use.

(c) General Standards for Accessory Uses and Structures

(1) Subordinate to Principal Structure or Use

No accessory building shall be constructed or used unless the principal building is also being used. The accessory use or structure shall be conducted and/or located on the same lot(s) as the principal use. The principal use and the accessory use shall be under the same ownership.

(2) Performance Standards

Accessory structures or uses shall be constructed, maintained, and conducted in compliance with GJMC 21.04.040(c)(2).

(3) Location

In all zone districts, accessory structures shall not be located in the front yard or the exterior side yard of a corner lot unless approved by an Administrative Adjustment in accordance with GJMC21.02.040(c).

(4) Accessory Structures

- (i) In Residential zone districts with a density of two units per acre or higher (R-2R and above), the size of accessory structures, except accessory dwelling units, will be limited to a maximum of 75 percent of the square footage of the principal structure. Accessory dwelling units are subject to the requirements in GJMC 21.04.040(e)(1)(i).
- (ii) For all other Residential zone districts, accessory structures will be allowed up to a maximum of 75 percent of the square footage of the principal structure or 10 percent of the parcel size, whichever is greater. In the R-R, R-ER, and R-1R zone districts, accessory structures incidental to the principal uses categorized as Agriculture and

Animal Services in Table 21.04-1: Principal Use Table and used for agricultural activities shall be exempt from these size regulations.

(5) Design

Accessory uses or structures shall have an appearance compatible with that of the neighborhood and shall have an appearance compatible with the character of the principal structure, building or use on the property. Determinations of compatibility shall include considerations of the height, scale, mass, or bulk of structures; architectural features; and building materials.

(d) Accessory Use Table

| Table 21.04-2: Accessory Use Table | | | | | | | | | | | | | | | | | | | | |
|--|-----|------|------|------|------|------|------|-------|-------|-------|------|------|------|----|------|-----|-----|-----|-----|------------------------|
| A = Allowed Use C = Conditional Use | | | | | | | | | | | | | | | | | | | | |
| Zone Districts | R-R | R-ER | R-1R | R-2R | RL-4 | RL-5 | RM-8 | RM-12 | RH-16 | RH-24 | MU-1 | MU-2 | MU-3 | CG | I-OR | I-1 | I-2 | P-1 | P-2 | Use-Specific Standards |
| Residential Uses | | | | | | | | | | | | | | | | | | | | |
| Accessory Dwelling Unit | A | A | A | A | A | A | A | A | | | A | | A | | | | | | | 21.04.040(e)(1)(i) |
| Agricultural Labor Housing | A | | | | | | | | | | | | | | | | | | A | |
| Dwelling, Business Residence | | | | | | | | | | | A | A | A | A | A | A | | | A | 21.04.040(e)(1)(ii) |
| Guest Ranch | A | A | | | | | | | | | | | | | | | | | A | |
| Household Pets | A | A | A | A | A | A | A | A | A | A | A | A | A | A | A | A | A | A | A | 21.04.040(e)(1)(iii) |
| Other Animals | A | A | A | A | A | A | A | A | A | A | A | A | A | A | A | A | A | A | A | 21.04.040(e)(1)(iv) |
| Public, Institutional, and Civic Uses | | | | | | | | | | | | | | | | | | | | |
| Home Occupation, Day Care | A | A | A | A | A | A | A | A | A | A | A | A | A | A | | | | | A | 21.04.040(e)(2)(iii) |
| Commercial Uses | | | | | | | | | | | | | | | | | | | | |
| Agri-business | C | C | | | | | | | | | | | | | | | | C | C | |
| Animal Agriculture | A/C | A/C | A/C | | | | | | | | | | | | | A/C | A/C | A/C | A/C | 21.04.030(d)(2) |
| Drive-Through Facility | | | | | | | | | | | | | | | | | | | | |
| Office | | | | | | | | | | | C | A | A | A | A | A | | | A | 21.04.040(e)(2)(i) |
| Restaurant | | | | | | | | | | | | A | A | A | | A | | | | 21.04.040(e)(2)(i) |
| Retail | | | | | | | | | | | C | A | A | A | | A | | | | 21.04.040(e)(2)(i) |

Table 21.04-2: Accessory Use Table
 A = Allowed Use C = Conditional Use

| Zone Districts | R-R | R-ER | R-1R | R-2R | RL-4 | RL-5 | RM-8 | RM-12 | RH-16 | RH-24 | MU-1 | MU-2 | MU-3 | CG | I-OR | I-1 | I-2 | P-1 | P-2 | Use-Specific Standards |
|---|-----|------|------|------|------|------|------|-------|-------|-------|------|------|------|----|------|-----|-----|-----|-----|------------------------|
| Electric Vehicle (EV) Charging Facility | A | A | A | A | A | A | A | A | A | A | A | A | A | A | A | A | A | A | A | |
| Home Occupation | A | A | A | A | A | A | A | A | A | A | A | A | A | | | | | | A | 21.04.040(e)(2)(iii) |
| Outdoor Display and Sales | | | | | | | | | | | | A | A | A | | A | | | | 21.04.040(e)(2)(v) |
| Produce Stand | A | A | A | A | A | A | A | A | A | A | A | A | A | A | A | A | A | A | A | 21.04.040(e)(2)(vi) |
| Industrial Uses | | | | | | | | | | | | | | | | | | | | |
| Antenna | A | A | A | A | A | A | A | A | A | A | A | A | A | A | A | A | A | A | A | 21.04.040(e)(3)(i) |
| Outdoor Storage, Accessory | A | A | A | A | A | A | A | A | A | A | | A | | A | | A | A | | | 21.04.040(e)(3)(ii) |
| Recreation and Commercial Vehicles | A | A | A | A | A | A | A | A | A | A | A | A | A | A | A | A | A | A | A | 21.04.040(e)(3)(iii) |
| Renewable Energy Facility, Accessory | A | A | A | A | A | A | A | A | A | A | A | A | A | A | A | A | A | C | A | 21.04.040(e)(3)(iv) |

(e) Accessory Use-Specific Standards

(I) Residential Uses

(i) Accessory Dwelling Unit

An accessory dwelling unit (ADU) is allowed only in conjunction with a single-family attached dwelling, a single-family detached dwelling, or a duplex dwelling. ADUs are not allowed in conjunction with cottage court dwellings. ADUs shall not be included in density calculations. A Planning Clearance is required for any ADU and an ADU must demonstrate compliance with the following:

(A) Maximum Number of ADUs

- a. A lot with one single-family detached dwelling may have two ADUs if one of the ADUs is attached to the principal dwelling unit (e.g., attic, basement, carriage house, etc.).
- b. A single-family attached dwelling unit with two units may have two ADUs if one of the ADUs is attached to the principal dwelling unit (e.g., attic, basement, carriage house, etc.).
- c. A duplex dwelling unit may have no more than one ADU on the lot.

(B) Site Layout

- a. The design and location of the ADU shall be clearly subordinate to the principal structure.
- b. The ADU shall not be located in front of the principal structure.
- c. On corner lots, an ADU may use the setbacks for the principal structure where the property abuts a roadway.
- d. One parking space shall be provided for the ADU. On-street parking within 100 feet of the lot may serve as the required parking.

(C) Structure Requirements

- a. The ADU must meet all requirements of the building and fire codes.
- b. The ADU shall not exceed 900 square feet of habitable space.
- c. The design and construction material of the ADU shall be complementary to those of the principal structure.

(ii) Business Residence

(A) Occupancy

A business residence is a principal residence of the owner, operator, or employee of the business that is located within a nonresidential structure. This section is not intended to permit general residential uses in nonresidential areas.

(B) General Standards

The following conditions shall apply to all business residences:

- a. The residential unit shall comply with all appropriate building and fire codes and with all applicable portions of this Code;
- b. Only one dwelling unit per business or structure is allowed and it shall be occupied only by the owner, operator, or employee of the principal use;
- c. The dwelling unit shall be located within a structure used primarily for business purposes; and
- d. Other conditions as required through the site plan approval process.

(iii) Household Pets

- (A) In all zone districts, a maximum of three adult (four months or older) household pets, including, but not limited to, dogs, cats, pygmy and dwarf goats, per species, shall be allowed. In no event shall the total number of adult household pets exceed six.
- (B) The requirements of subsection (iii)(A) above shall not apply to those small animals kept within a residence as household pets, including, but not limited to fish, small birds (parakeets, parrots), rodents (mice, rats), and reptiles (nonpoisonous snakes, lizards).
- (C) Dogs or cats kept confined in kennels shall be kept no closer than 20 feet from the nearest principal residential structure on an adjacent property, unless written permission for a lesser distance is obtained from the adjacent occupant or property owner. Such permission may be revoked at any time. Upon revocation, the owner of the animal shall have 30 days to move the animal so that compliance is achieved.

(iv) Other Animals

(A) General

Other animals may be kept only after obtaining approval from the Director.

(B) Racing Pigeons

“Racing pigeon,” by definition, is a pigeon which, through selective past breeding, has developed the distinctive physical and mental characteristics as to enable it to return to its home after having been released a considerable distance therefrom, and which is accepted as such by the American Racing Pigeon Union, Inc., or the International Federation of Racing Pigeons Fanciers. Also commonly known as Racing Homer, Homing Pigeon, or Carrier Pigeon. The structure for the keeping of housing of pigeons permitted by this regulation is defined as a “loft.” The keeping of pigeons as defined above shall be permitted on the following conditions which are, in part, recommended by the Avian Assistance Council and the American Racing Pigeon Union, Inc.:

- a. The loft shall be of such sufficient size and design, and constructed of such material, that it can be maintained in a clean and sanitary condition and shall

contain at least one square foot of floor space for each mature pigeon kept therein.

- b.** The construction and location of the loft shall not conflict with the requirements of this Code or building code. The loft shall be enclosed except for the aviary portion which cannot exceed 20 percent of the floor area of the loft.
- c.** The loft shall be maintained in a sanitary condition and in compliance with all applicable health regulations of the City.
- d.** All feed for said pigeons shall be stored in such containers as to protect against intrusion by rodents and other vermin.
- e.** A maximum of 50 performing birds shall be allowed on parcels of one-half acre or less. On parcels greater than one-half acre, a maximum of 100 performing birds shall be allowed. Performing birds are birds that leave the loft in training and for racing.
- f.** All pigeons shall be confined to the loft, except for limited periods necessary for exercise, training, and competition; and at no time shall pigeons be allowed to perch or linger on the buildings or property of others. Pigeons shall be fed only in the confines of the loft.
- g.** No one shall release pigeons to fly for exercise, training, or competition except in compliance with the following rules:
 - 1. The owner of the pigeons must be a member in good standing of an organized pigeon club, such as the Grand Junction Racing Pigeon Club, The American Racing Pigeon Union, Inc., or other club that has rules that will help preserve the peace and tranquility of the neighborhood.
 - 2. Pigeons will not be released for flying which have been fed within the previous four hours.
 - 3. Pigeons shall be banded and registered with one of the national pigeon associations/registries.
 - 4. A structure housing racing pigeons shall be no closer than 50 feet to any adjacent residential or commercial structure on another property.

(2) Commercial Uses

(i) Drive-Through Facility

- (A) All drive-through facilities shall be designed and located to avoid impairing pedestrian mobility to or from the principal structure or creating risks to pedestrian safety.
- (B) Drive-through facilities shall be clearly signed and marked to provide efficient flow through the facility.

- (C) Drive-through lanes shall be set back at least 10 feet from a residentially zoned lot.
- (D) All drive-through facilities shall comply with the loading and stacking standards as set forth in TEDS (GJMC Title 29).
- (E) Where drive-through windows or drive-up facilities, including but not limited to menu boards or speaker boxes, are allowed, they shall not be located between the façade of the building and the adjacent public right-of-way.
- (F) Drive-throughs for restaurants and retail are not allowed within the boundaries shown in Figure 04.04-1.

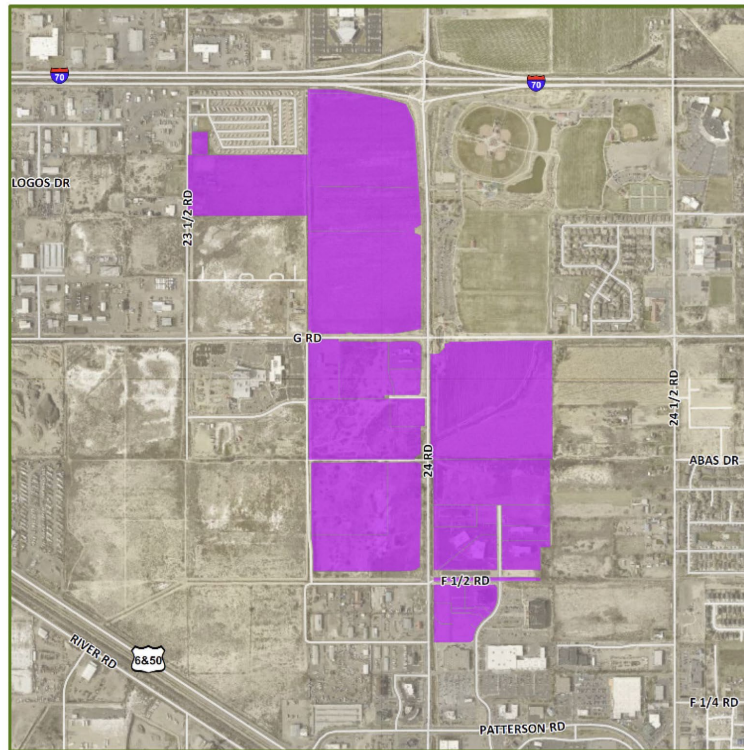


Figure 04.04-1 Prohibited Restaurant and Retail Drive-Through Areas

(ii) Electric Vehicle (EV) Charging Facility

- (A) EV charging facility spaces shall count toward the minimum off-street parking requirement and shall be located on the same lot as the principal use.
- (B) EV charging facility spaces shall be signed for the charging of electric vehicles only.
- (C) EV charging facility equipment shall be located so that it does not interfere with vehicular, bicycle, or pedestrian access and circulation, or with required landscaping.

(iii) Home Occupation, Daycare or Other

(A) Applicability

- a. A home occupation, daycare or other is allowed in accordance with Table 21.04-2: Accessory Use Table.
- b. All home occupations listed below shall not be subject to all applicable home occupation regulations and standards if all persons engaged in such activities reside on the premises and all applicable conditions are satisfied:
 1. Artists, sculptors, composers not selling their artistic product to the public on the premises;
 2. Craft work, such as jewelry-making and pottery with no sales permitted on the premises;
 3. Home offices with no client visits to the home permitted;
 4. Telephone answering and message services; and
 5. Medical marijuana cultivation by a patient or primary caregiver; provided, however, that:
 - i. There shall not be more than one primary caregiver per dwelling unit growing, storing, or providing medical marijuana in any form to their patients;
 - ii. Such growing, storing or providing of medical marijuana is conducted in accordance with Article XVIII, Section 14 of the Colorado Constitution and § 25-1.5-106 C.R.S. as amended;
 - iii. The primary caregiver shall have not more than six plants per patient with a maximum of 30 plants for five patients being grown on the premises of the dwelling unit at any given time; and
 - iv. Accessory buildings such as a detached garage, shed, green house or other structure used for growing, storing, or providing medical marijuana must comply with all applicable zone district standards and building and fire code provisions.

(B) Prohibited Home Occupations

The following home occupations are prohibited regardless of whether they comply with the standards of this subsection.

- a. Occupations that involve highly combustible materials or any material. Occupations where the dimensions, power rating, or weight of equipment and tools used exceed that of normal household equipment and tools.
- b. Occupations that cause abnormal automotive or pedestrian traffic or that are objectionable due to unsightliness, odor, dust, smoke, noise, glare, heat, vibration, or similar disturbances.

- c. Animal care, boarding or sales.
- d. Retail sales.
- e. Medical, dental, or animal clinics.
- f. Personal services.
- g. Escort services.
- h. Heavy equipment or vehicle repair.
- i. Any other use that is not listed as an allowed or conditional use in any zone district in the City.

(iv) Requirements and Restrictions

Unless otherwise waived by the Director, all home occupations shall comply with the following:

(A) Number of Home Occupations

There shall be no limitations on the number of home occupations allowed for each property so long as the combined operations for each occupation do not exceed the requirements of this section.

(B) Resident Operated

The home occupation shall be operated by a full-time resident of the property.

(C) Number of Employees

A home occupation shall not employ nonresident employees, unless the Director determines that there will be minimum impact to the surrounding properties, in which case one additional nonresident employee is allowed.

(D) Maximum Floor Area

A home occupation shall not use more than 25 percent gross floor area of the dwelling and all accessory buildings.

(E) Residential Compatibility

- a. A home occupation shall be incidental and subordinate to the use of the property for residential purposes, shall not change the residential character of the property, and shall not create the appearance or impact of commercial activity to the surrounding neighborhood.
- b. No structural or decorative additions shall be allowed to accommodate a home occupation that will alter the residential character of the home or otherwise be incompatible with surrounding residences.

(F) Outdoor Storage Prohibited

Storage of goods and materials shall be inside and shall not include flammable, combustible, or explosive materials other than those customary to household uses.

(G) Parking and Deliveries

- a. Parking shall be provided and shall not create hazard or street congestion.
- b. Deliveries and pickups shall be those normally associated with residential services and shall:
 - 1. Not block traffic circulation; and
 - 2. Occur only between 8:00 a.m. and 8:00 p.m. Monday through Saturday.

(H) Client and Employee Visitation

- a. Not more than six customers or clients are allowed to visit a home occupation per day, except music, art, craft, or other similar lessons that are allowed up to 12 clients per day.
- b. Customer hours shall be between 8:00 a.m. and 8:00 p.m.

(I) Operational and Site Requirements

- a. Adequate public facilities and utilities shall be adequate to safely accommodate equipment used for home occupation.
- b. Mechanized equipment shall be used only in a completely enclosed building.
- c. Dust, odors, noise, vibration or electrical interference or fluctuation that is not perceptible beyond the property line.

(J) Unsafe Home Occupations

- a. If the Director finds that any home occupation is dangerous or unsafe, the Director shall issue an order to the dwelling owner and/or tenant of the property on which the home occupation is being undertaken directing that the home occupation be immediately made safe, as determined by the Director, or be terminated.
- b. The property owner and/or tenant shall be responsible for taking the necessary corrective steps or measures, but in the event of a failure to do so by the owner and/or tenant, after notice and a reasonable period of time, the Director may take any and all available enforcement actions to render the home occupation, dwelling, or property safe.
- c. Enforcement cost shall be paid by the property owner and shall be treated as a zoning violation pursuant to GJMC Chapter 21.13.

(K) Home Occupation Signage

A nameplate not exceeding two square feet containing only the name of the resident, title of the person conducting a permitted home occupation, name of building, business name and/or name of agent. The nameplate may be located anywhere on the property.

(v) Outdoor Display

- (A) No portion of a right-of-way shall be used for any type of display without a valid Revocable Permit.
- (B) Display lots shall be paved, except that only the access roads shall be required to be paved for lots displaying large merchandise, such as manufactured homes or heavy equipment.
- (C) All outdoor displays shall conform to all requirements of TEDS (GJMC Title 29) and the applicable sight distance triangle. Regardless of any provision to the contrary, no display shall be maintained in a location if it obstructs view, thereby constituting a traffic or pedestrian hazard.

(vi) Produce Stand

- (A) A produce stand shall be portable and capable of being dismantled or removed from the sales site.
- (B) In Residential zone districts, produce stands shall only sell products produced on the premises. Produce stands in Residential zone districts shall be located and operated so as to not create hazards with parking, ingress, egress, and signage, and the operation shall not be disruptive to adjacent uses.
- (C) In all zone districts, excluding Residential zone districts, a produce stand may include products produced off-premises and require a Temporary Use Permit.

(3) Industrial Uses

(i) Antennas

Telecommunications receiving or transmitting antennas that meet the exemption criteria of GJMC 21.04.030(e)(5)(i) are permitted subject to the following:

- (A) Ground-mounted satellite dishes shall not exceed 10 feet in height from the grade where mounted;
- (B) Ground mounted satellite dishes shall be located within the rear yard or in any side yard which does not abut a street and shall meet accessory structure setbacks;
- (C) All cables and lines serving the satellite dish shall be located underground;
- (D) Satellite dishes larger than 32 inches in diameter shall only be ground-mounted and the above provisions shall apply unless otherwise approved as to location or ground mounting by a Conditional Use Permit;
- (E) Roof mounted antennas shall not extend more than 10 feet above the roof line on which mounted; and
- (F) None of the above shall relieve a person from the necessity of satisfying any and all governmental licenses or permits required for operation of telecommunications equipment.

(ii) Outdoor Storage, Accessory

(A) All Zone Districts

- a. Junk or rubbish shall not be stored unless the use is a permitted junkyard or salvage yard or solid waste disposal or processing facility.
- b. If the principal use of the property is other than vehicle repair, major and minor, vehicle impound lot, junkyard or salvage yard, or vehicle fleet operations, a maximum of two vehicles intended for repair or restoration may be stored on a property provided all of the following conditions are satisfied:
 1. Vehicles shall be owned by the owner or occupant of the premises upon which the vehicles are located;
 2. The vehicles shall be kept in an enclosed garage, under an opaque cover designed for the vehicle or otherwise screened from off-premises view; and
 3. There shall be no outdoor storage of vehicle parts.
- c. Except for integral units, stored items shall not project above any screening.

(B) Additional Standards for Residential Zone Districts

- a. All outdoor storage shall be located in the rear half of the lot and shall be screened.
- b. Dumpsters and refuse containers for new multifamily dwellings, commercial and industrial uses shall be enclosed in a solid, opaque enclosure constructed of brick, masonry, stucco, or wood at least 6 feet tall.

(C) Additional Standards for Nonresidential Zone Districts

a. All Uses

1. Unless otherwise indicated, no outdoor storage shall be located in a required front yard setback or in any setback adjacent to a Residential or Mixed-Use zone district.
2. Dumpsters and refuse containers for new uses in all zone districts except I-1 and I-2 shall be enclosed in a solid, opaque enclosure constructed of brick, masonry, stucco, or wood at least six feet tall.

b. Existing Junkyard or Salvage Yards and Vehicle Impound Lots

If the principal use of the property is a junkyard or salvage yard or vehicle impound lot and if the use was an existing legal use as of January 1, 2002, outdoor storage shall meet the following conditions.

1. Storage and dismantling areas shall require screening along all street frontages and along the first 50 feet of the side perimeter from the street. Sites may use opaque slats in existing chain link fences or

vegetation to meet the screening requirement as long as the screening is at least six feet in height. Any new fencing shall be a minimum of six feet.

2. If the recycler abuts a property with zoning that is not CG, I-1 or I-2, the recycler shall also screen each perimeter that abuts such zone district that is not CG, I-1, or I-2. Buildings on property lines shall serve as screening.
3. No item shall be allowed to project above the screening except integral units and stacking of no more than two vehicles on top of a wheel stand. End recyclers are exempt from this requirement.
4. Each owner, operator, independent contractor and employee of a recycling business, and every other person who dismantles, repairs or installs motor vehicle parts or appliances or other equipment containing any fluid, gas or liquid or other regulated substance shall, in accordance with applicable laws and rules, control, contain, collect, and dispose of all fluids, hazardous wastes, and other regulated fluids in or generated by the dismantling, shredding, baling or storage of motor vehicles, appliances, other equipment or parts, including but not limited to oils, antifreezes, CFCs, transmission fluids, diesel fuel, and gasoline.
5. A recycler shall have a five-day grace period to remove items placed outside of a perimeter fence. If the City gives a notice after the 5th working day, the recycler shall remove such items within five working days.

(iii) Recreational and Commercial Vehicles

- (A) In Residential zone districts, recreational and commercial vehicles and trailers shall be stored within an enclosed building, or in the rear yard, or behind the front setback line in a side yard other than the street side yard of a corner lot.
- (B) No recreational vehicle shall be used for living, sleeping or housekeeping purposes for longer than two weeks total during any 12-month period when parked in any location not zoned and approved for such use. Any use of this provision shall be limited to one recreational vehicle per lot.
- (C) Persons shall not live, sleep, or housekeep in a recreational vehicle parked on a public street, a public or private parking lot, or any vacant lot.
- (D) Recreational or commercial vehicles shall not be parked on a public street or public or private parking lot for more than 72 consecutive hours.

(iv) Renewable Energy Facility, Accessory

(A) Accessory Solar Collectors

- a. Accessory solar collectors shall only be located in side or rear yards or on rooftops.
- b. If the solar collector is not flush with the roof the applicant shall minimize the visibility of the collector from a public street, park, open space, or golf course to the most reasonable extent possible without prohibiting the installation.
- c. Ground-mounted collectors are allowed as an accessory structure outside the setbacks.
- d. Ground-mounted accessory solar collectors shall not exceed the height of the principal structure on the lot or parcel or the maximum height allowed in the zone district.

(B) Accessor Wind Energy System

- a. An individual small wind system shall be set back from the property line and the principal structure at least 1.5 times the height of the turbine.
- b. In Mixed-Use and Commercial zone districts, accessory wind energy systems shall only be located in side or rear yards
- c. In Mixed-Use zone districts, an accessory wind energy system shall not exceed the maximum building height of the applicable zone district.
- d. In the I-1 and I-2 districts, an accessory wind energy system may exceed the maximum building height of the applicable zone district by 20 feet.

21.04.050 TEMPORARY USES AND STRUCTURES

(a) Purpose

The purpose of this section is to allow for a use to locate within the City on an occasional, temporary, or seasonal basis and ensure such use or activity is consistent with the intent and regulations of this Code.

(b) Temporary Parking Lots

- (1) Temporary parking lots are parking areas that serve during transition of a property during development and shall not be used for more than 24 months from issuance of a City site plan for such parking use.
- (2) A temporary parking lot:
 - (i) Shall be hard surfaced;
 - (ii) Shall be graded for drainage;
 - (iii) Shall be maintained in good condition free of weeds, dust, trash, and debris;
 - (iv) Shall be landscaped and screened along the perimeter of any abutting public street;

- (v) Parking spaces within a gravel lot shall be delineated with concrete “bumper blocks”;
and
- (vi) May only be used for a total of 24 months unless a site plan for a permanent lot usage is approved. Parking lots as a permanent use are not allowed in MU-3.

(c) All Other Temporary Uses

(1) Applicability

- (i) This subsection shall apply to the following types of temporary uses and structures:
 - (A) Temporary buildings;
 - (B) Temporary display and sale of merchandise;
 - (C) Model homes, trailers, activities, and/or uses incidental to the construction of a building or group of buildings on the same or adjacent premises;
 - (D) Seasonal uses (e.g., fireworks stands, Christmas tree lots, and produce stands);
and
 - (E) Other uses that clearly are not associated with a holiday, the growing season, or a construction project may be considered for approval by the Director.
- (ii) Special events and activities conducted on public property, such as school sites and City parks, shall be exempt from the provisions of this Code, but shall comply with any guidelines, regulations and permitting process required by the authorizing agency.

(2) Compliance with this Code and Other Regulations

- (i) Prior to conducting or establishing a temporary use or temporary structure, approval of a Temporary Use Permit per GJMC 21.02.040(b) is required.
- (ii) Before a temporary use involving the sale of merchandise may begin, a sales tax license must be obtained from the City Finance Department. If not obtained, the Temporary Use Permit shall be revoked if issued or shall not be issued until licensure.
- (iii) Prior to the issuance of a Temporary Use Permit, the Director may require the applicant to post security with the City as required to cover expected costs of enforcement, monitoring, clean-up, and site restoration.

(3) Location

- (i) Structures and/or display of merchandise shall meet the minimum setback requirements for the zone district. Displays shall not interfere with the sight visibility triangle of the intersection of the curb line of any two streets or a driveway and a street. No personal property, including structures, and tents shall be located within the right-of-way.
- (ii) Each parcel or lot is limited to the operation of one temporary use at a time.

(4) Off-Street Parking

- (i) Adequate off-street parking shall be provided;

- (ii) The use shall not displace the required off-street parking spaces or loading areas of the principal use/structure on the site; and
- (iii) The entrance and exit shall be designed to prevent traffic hazards, nuisances and as required by TEDS (GJMC Title 29).

(5) Duration

- (i) Temporary uses shall not exceed 120 calendar days, except a temporary low-traffic storage yard may be permitted in a CG, I-1 or I-2 zone district for up to one year from the date of issuance. One extension of one year may be granted by the Director upon showing of good cause. Any additional extensions may be granted by the Planning Commission. The Planning Commission must find good cause for granting an extension.
- (ii) No temporary uses shall be allowed until a minimum of 30 calendar days have passed since any previous temporary use on the parcel or lot. Mobile food vendors are not subject to this standard.

(6) Other Standards

- (i) The temporary use shall not cause traffic to exceed the capacity of nor significantly impact the circulation of affected streets.
- (ii) Access to right-of-way shall comply with City requirements, except that hard surface travel lanes are not required for a temporary use.
- (iii) Permanent hookups to utilities are prohibited.
- (iv) Temporary use sign shall be permitted only for and during the time of the temporary use. The total sign allowance for a temporary use shall be 32 square feet, not including permanent signage that may be on a vehicle or booth. All signs for temporary uses shall be attached to a structure, vehicle, or existing signpost. Portable signs, such as sandwich boards, etc., shall not be allowed. Off-premises signage is not allowed.

Chapter 21.05 Site and Structure Development Standards

21.05.010 PURPOSE

This chapter includes standards that regulate the physical layout and design of development within Grand Junction to ensure the protection of the health, welfare, safety, and quality of life. These standards address the physical relationship between development and adjacent properties, public streets, neighborhoods, and the natural environment, in order to implement the Comprehensive Plan vision for a more attractive, efficient, and livable community.

21.05.020 REQUIRED IMPROVEMENTS

(a) Applicability

All development shall comply with this section.

(b) Plans and Standards

The plan, design, construction, and perpetual maintenance of all development shall be consistent with:

- (1) Adopted City plans and policies, including without limitation the Comprehensive Plan and the Grand Junction Circulation Plan, as those plans may be amended or replaced in the future;
- (2) The lot, design, and use standards applicable to the zone district in which the property is located;
- (3) All other applicable requirements of this Code;
- (4) Any previous plans or development approvals approved by the City and applicable to all or part of the property on which the development, structure, or subdivision is proposed; and
- (5) All technical and engineering, design, construction, and inspection criteria, standards, and specifications adopted or accepted by City, including but not limited to applicable GJMC Title 29, Transportation Engineering Design Standards (TEDS), the City's adopted fire code, and the Submittal Standards for Improvements and Development (SSID) Manual.

(c) Public Improvements Required

(1) Types of Improvements and Dedications

- (i) All development applications are required to include plans for the following public improvements unless waived by the Director:
 - (A) Multi-modal transportation system (see GJMC 21.05.020(e));
 - (B) Sanitary sewer system (see GJMC 21.05.020(d)(2));
 - (C) Utilities (see GJMC 21.05.020(d)(3));
 - (D) Potable water system including fire hydrants (see GJMC 21.05.020(d)(1));
 - (E) Stormwater management system (see GJMC 21.05.020(d)(4));

- (F) Other improvements and/or facilities as may be required by changing technology and the approval process; and
 - (G) Permanent survey reference monuments and monument boxes (see § 38-51-101 C.R.S.).
- (ii) The improvements described in this chapter shall be built by the applicant and constructed in accordance with adopted standards, unless otherwise indicated. The City may elect to participate in the design, installation, and cost of any improvement and may require the developer to coordinate construction with the City and with other development taking place nearby and in a similar timeframe.
 - (iii) No improvements shall be made until required plans, profiles, and specifications have been submitted to and approved by the City.
 - (iv) A developer shall dedicate to the City all rights-of-way and easements needed to serve the project. Dedications shall be at no cost to the City and shall not be eligible for impact fee credit(s). If such dedication is claimed to exceed constitutional standards, the owner shall inform the City Attorney who, if agrees, shall ask the City Council to pay a fair share of the value of such dedication or waive all or part of such required dedication.

(2) Guarantee of Public Improvements

No development shall be approved until the City has accepted constructed infrastructure or the developer has executed and recorded a development improvements agreement and provided adequate security per GJMC 21.02.030(h)(3).

(3) Permits and Approvals

No Planning Clearance for any use or activity shall be issued until minimum required improvements have been constructed, paid for, or adequately secured.

(d) Standards for Specific Improvements

The following improvements shall be provided for all development unless the appropriate official determines otherwise based on a process provided in the specific standards or, where applicable, through GJMC 21.02.050(p).

(1) Potable Water System

- (i) All development shall be served by a water treatment and distribution system operated or approved by the City.
- (ii) Fire hydrants shall be placed and have fire flow capabilities in accordance with GJMC 15.44, Fire Code.

(2) Sanitary Sewer System

All lots must be served by a sewer system connected to a public wastewater treatment facility. Sewer variance requests are subject to "Permit Application for Sewer Variance" administered by the Manager of the Persigo Wastewater Treatment Plant.

(3) Utilities

All new electric utilities shall be provided and paid for by the developer and shall be installed underground. Above-ground facilities associated with new installations (e.g., pedestals, transformers, and transmission lines of 50kv capacity or greater) and temporary overhead lines may be allowed if deemed necessary by the Director. All existing overhead utilities along streets contiguous with the development shall be installed underground prior to street construction. When the development has less than 700 feet of frontage along a street, the Director has discretion to accept a payment of cash in lieu of requiring the developer to underground the existing overhead utilities. The payment amount shall be determined as set forth in the adopted fee schedule.

(4) Stormwater Management

- (i) All proposed development must comply with GJMC Title 28, Stormwater Management Manual (SWMM), and applicable state and federal regulations.
- (ii) An impact fee may be paid in-lieu of the construction of applicable stormwater facilities where the project meets the requirements of GJMC 28.56.050, Drainage Fee in-Lieu of Detention.

(e) Multi-Modal Transportation System

(1) Design Standards

- (i) The developer shall dedicate, design, and construct all streets, alleys, sidewalks, trails, and Active Transportation Corridors in accordance with TEDS (GJMC Title 29).
- (ii) Alleys may be used for placement of utilities and infrastructure.
- (iii) Each development with one or more buildings (except detached dwellings) shall provide paved pedestrian sidewalk connections to nearby public streets. An adequate physical separation between pedestrian connections and parking and driveway areas shall be provided.

(2) Required Street Improvements

(i) All Streets

Minimum street improvements shall be those required for the safe ingress and egress of traffic to and from the development. All development shall be responsible for the design and construction of all streets internal to and along the perimeter of a development that are designated as local or unclassified in the Grand Junction Circulation Plan.

(ii) Internal Streets

- (A) Any unbuilt street that is designated in the Grand Junction Circulation Plan as a collector or arterial and is internal to the development shall be constructed to a local street standard by the developer.
- (B) The City may require the developer to design and construct the street to a collector or arterial standard, thereby requiring the oversizing of streets. If oversizing is required, the developer will be eligible for a City cost-share

agreement in the differential amount between the required local street improvement and the required collector or arterial street improvement.

(iii) External Streets

- (A) All development shall provide Minimum Access, pursuant to GJMC 29.24.020, required for the safe ingress and egress of vehicular traffic to and from the development. Minimum Access includes 20 feet width of asphalt and may include curb and gutter if safety or infrastructure concerns exist.
- (B) Where a perimeter street is not required for Minimum Access, no local improvements will be required.
- (C) The developer shall design and construct safety improvements (e.g., turn lanes, traffic lights) needed to achieve safe ingress and/or egress, as may be warranted based on a traffic impact study.
 - a. Where a safety improvement is for the benefit of a development but will also benefit other future developments, the developer may request the City to create a reimbursement agreement.
 - b. Where a safety improvement also benefits existing development, the developer may request the City create a cost share agreement for the improvement.

(3) Improvement Deferral for Existing Local Streets

(i) Policy and Applicability

- (A) Many areas of the City were developed in the unincorporated areas of Mesa County without modern urban street and drainage facilities. In many such neighborhoods and areas, the existing local streets do not have curbs, gutters, or sidewalks. Given that there are no serious safety or drainage problems associated with these local streets, there is no current reason to improve these streets or to install curbs, gutters and/or sidewalks. When an owner in one of these established neighborhoods chooses to subdivide a lot or parcel or an owner in a commercial or industrial area chooses to develop a lot or parcel, unless such improvements are extended off site to connect to a larger system, the new “short runs” of curbing, gutters and/or sidewalks are of little value as drainage facilities or pedestrian ways until some future development or improvement district extends them to other connecting facilities.
- (B) This section is applicable only in areas originally developed in Mesa County that meet the description of paragraph (A).

(ii) Request for Deferral

- (A) Instead of constructing “short run” improvements, the owner may apply to the Director to defer full and permanent improvements (“permanent improvements”) through the creation of an improvement district and construction of street, curb,

gutter, and sidewalk improvements to the standards established for the improvement district.

- (B) The Director allows the use of an improvement district for residential street improvements if all of the following criteria are met:
- a. The development is for three or less residential lots;
 - b. The zoning or existing uses in the block or neighborhood are residential. The Director shall determine the boundaries of the block or neighborhood, based on topography, traffic patterns, and the character of the neighborhood;
 - c. The existing local residential street that provides access to the lots or development meets minimum safety and drainage standards, and has a design use of fewer than 1,000 average daily traffic (“ADT”);
 - d. At least 80 percent of the lots and tracts in the neighborhood or block are already built upon, so that the street and drainage character is well established;
 - e. If an existing safety hazard or drainage problem, including pedestrian or bicycle traffic, it can be improved or remedied without the street improvements being built; and
 - f. There is at least 250 feet from any point on the development to the nearest existing street improvements (on the same side of the street) that substantially comply with the City standard for similar street improvements.
- (C) The Director may allow the use of an improvement district for nonresidential street improvements if all of the following criteria have been met:
- a. The development is conforming to the zone district and is for a single commercial or industrial lot or parcel that does not create a new lot or parcel;
 - b. The lot or parcel size is two acres or less;
 - c. The lot or parcel does not have more than 500 feet of frontage on a local nonresidential street;
 - d. If an existing safety hazard or drainage problem, including pedestrian or bicycle traffic, it can be improved or remedied without the local nonresidential street improvements being built; and
 - e. There is at least 250 feet from any point on the development to the nearest existing street improvements (on the same side of the street) that substantially comply with the City standard for similar local nonresidential street improvements.

(iii) Requirement for Full Compliance

Prior to any development or change of use which is projected to increase traffic generation by the greater of five percent or 10 vehicle trips per day, the applicant shall dedicate right-of-way required to bring abutting streets into compliance with the adopted circulation plan, or as otherwise approved by the City Engineer. Upon receipt of the appropriate deed, and if all other requirements have been met, the final development permit shall be issued.

(iv) Street Naming and Addressing System

A street naming system shall be maintained to facilitate the provisions of necessary public services (police, fire, mail), reduce public costs for administration, and provide more efficient movement of traffic. For consistency, this system shall be adhered to on all newly platted, dedicated, or named streets and roads. The Director shall check all new street names for compliance to this system and issue all street addresses. Existing streets and roads not conforming to this system shall be made conforming as the opportunity occurs.

(4) Private Streets

(i) Applicability

Private streets are prohibited unless there is no practicable design alternative available through the public street standards and the proposed private street meets the review criteria in this section.

(ii) Policy

Private streets have historically posed problems over time as they deteriorate and property owners do not realize the burden of maintenance is theirs. Application of the criteria established in this section are established to avoid problems encountered in the past with private streets and provide property owners some protection through a maintenance agreement and funding.

(iii) Review Criteria

The developer must conclusively demonstrate that a proposed private street meets all of the following:

- (A) Provides flexibility in residential street access due to design or topographic conditions;
- (B) Encourages more creative design including but not necessarily limited to the clustering of units in residential development;
- (C) Provides an immediate and continuing public benefit, e.g., by reducing public street maintenance costs;
- (D) Provides a safe residential environment; and
- (E) Promotes attractive streetscapes that give neighborhoods character and identity, e.g., by allowing alternative street surfaces, finishes and designs.

(iv) Design Requirements

A private street that meets the requirements of this section shall be allowed for residential development under the following conditions:

(A) Street Capacity and Design

- a. The maximum annual average daily traffic (AADT) of the proposed private street shall not exceed 250 trips per day as determined by the ITE – Trip Generation publication.
- b. The street shall be designed so that all traffic, including vehicular and pedestrian, exiting from the private street(s) shall not adversely impact the existing and proposed transportation network. A private street shall conform to the TEDS (GJMC Title 29) or the Submittal Standards for Improvements and Development (SSID) manual, as applicable, for the following:
 - 1. Turnaround requirements;
 - 2. On-street parking requirements;
 - 3. Cross-sections;
 - 4. Curb and gutter construction; and
 - 5. Utility and multipurpose easements.
- c. Pedestrian facilities and connections as shown on the Grand Junction Circulation Plan shall be required within the proposed development and made accessible by the general public.
- d. The finished surface of the private street may be composed of variable surfaces such as brick, interlocking pavers, cobblestones, or other similar finishes, designed by a professional engineer and as approved by the City Engineer.
- e. An entrance design feature such as decorative paving, special signage or other conspicuous improvement shall be incorporated into the final design of the private street such that the design clearly distinguishes the private street from the public street.

(B) Adjoining Properties

- a. All entrances to garages shall be set back from the private street or pedestrian trail a minimum distance of 20 feet.
- b. Each residential structure accessed from a private street shall have landscaped areas of at least 10 feet in width between the street and the structure except for the driveway to the garage.

(C) Off-Street Parking

If off-street parking is utilized, it shall conform to the following:

- a. Table 21.08-2: Minimum Off-Street Vehicle Parking Requirements.
- b. Off-street parking shall be located within 200 feet of any unit the private street serves.
- c. Off-street parking shall be included within the same tract as the private street and shall be maintained by the homeowners' association.

(D) Platting, Dedication, Homeowners' Association

- a. Private streets shall be platted in a tract dedicated to the homeowners' association and maintenance of the private street shall be funded and provided by the homeowners' association.
- b. The homeowners' association shall be responsible to maintain a vegetation-free zone along the private street that is 20 feet in width (10 feet each side from the center of the street) and 13 feet, six inches in height as measured from the paved surface of the street.

(5) Shared Driveway (Autocourt)

(i) Intent

A shared driveway (or autocourt) is designed to provide access to lots where a full public street is not practical or economical. The number of shared driveways used in a subdivision shall be limited due to the undesirable lot layouts they often create, potential conflicts over shared common space, and private versus public maintenance cost issues.

(ii) Ownership

- (A) A shared driveway shall be owned and maintained by the owners of the parcels or lots that abut the shared driveway.
- (B) The shared driveway shall be platted in a tract dedicated to the property owners of the parcels that abut the shared driveway.

(iii) Access

- (A) No more than five single-family lots shall abut or touch any portion of the shared driveway and no more than five single-family units may utilize a single shared driveway.
- (B) Each lot abutting a shared driveway shall access off of the shared driveway unless approved otherwise at the time of subdivision.

(iv) Design

- (A) Shared driveways shall be a minimum of 16 feet wide flowline to flowline and a maximum of 150 feet long.

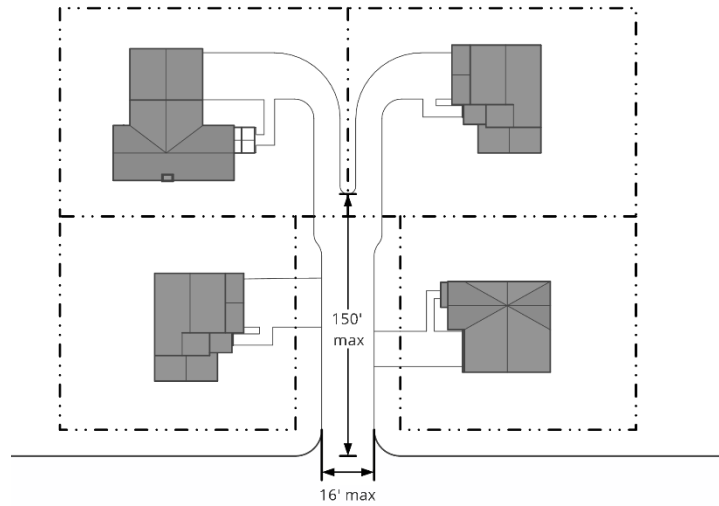


Figure 05.02-1 Shared Driveways

- (B) Shared driveways shall be designed to permit the ASHTO “P” design vehicle to back out of an individual driveway and turn 90 degrees in either direction on the shared driveway without any portion of the vehicle:
 - a. Leaving the individual driveway from which the vehicle is exiting or the shared driveway; or
 - b. Entering on or over the individual driveways of any other residence.
- (C) Finished surface may be composed of variable hard surfaces such as brick, interlocking pavers, cobblestones, or similar finishes, designed by a professional engineer and as approved by the City or County Engineer.

(v) Parking

- (A) Parking on a shared driveway shall be prohibited.
- (B) A shared driveway may be used only where it intersects a street with on-street parking.
- (C) Each lot abutting a shared driveway shall provide four on-site parking spaces. For homes on shared driveways that access a cul-de-sac, five on-site parking spaces shall be provided. These additional spaces may be provided on the shared driveway if it is widened to accommodate such parking.

(vi) Adjacent Lots and Structures

- (A) The building setback adjacent to a shared driveway shall be the minimum setback required for that side of the property by the underlying zone district or 15 feet, whichever is greater. All entrances to garages shall be set back a minimum distance of 20 feet from the shared driveway.
- (B) No fences or hedging taller than 30 inches shall be located within the setback adjacent to the shared driveway. Open fences are acceptable.

- (C) No gateways, locked entries or other restrictive access constraints are allowed across a shared driveway.

(6) Loop Lane

Loop lanes shall comply with the following standards. Any variation from these specifications shall require an administrative adjustment.

(i) Intent

A loop lane is an alternate street design that provides a turnaround in place of a cul-de-sac. The loop lane is desirable because it allows for additional open space/park area instead of an expanse of asphalt paving found in a standard cul-de-sac.

(ii) Ownership

- (A) The loop lane and parking shall be dedicated to and maintained by the City.
- (B) The park shall be owned and maintained by the homeowners' association, subject to any easements.

(iii) Access

- (A) Corner lots with frontage on the loop lane and the abutting street shall be required to access from the loop lane only.

(iv) Design

- (A) The minimum loop lane is 16 feet from flowline to flowline and shall consist of a paved surface with roll-over curb and gutter on at least one side and a roll-over curb or vertical curb on the other side.
- (B) No curve on any portion of the flowline of the loop lane shall have an inside radius of less than 33 feet and an outside radius of less than 48 feet.
- (C) No portion of the loop lane shall extend more than 250 feet from the abutting street right-of-way.

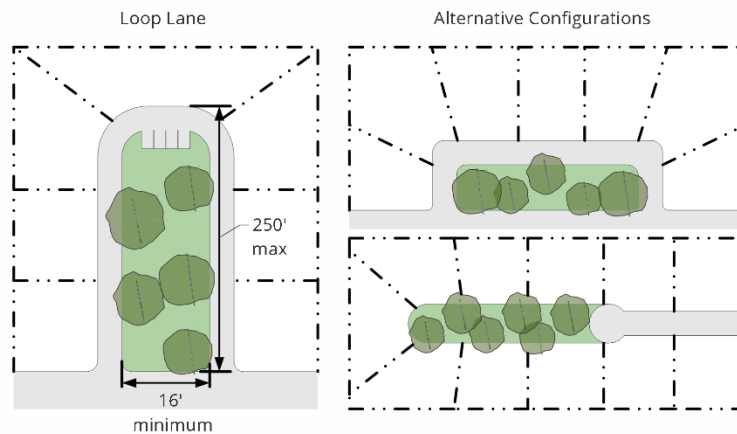


Figure 05.02-2 Loop Lane Design

- (D) A minimum separation of 66 feet is required between the right-of-way on each side of the loop.
- (E) The right-of-way shall extend one foot beyond the curb on the park side of the lane and one foot beyond curb on outside edge of the lane.
- (F) A 14-foot multipurpose easement shall be dedicated on the outside edge of the lane. The park may be used for stormwater detention.
- (G) The loop shall provide for two-way traffic.
- (H) A sidewalk is required only where the park abuts a street other than the loop.
- (I) The developer shall landscape the park and provide an irrigation system in accordance with the Zoning and Development Code.

(v) Parking

- (A) Four guest parking spaces, located in the public right-of-way, are required at the end of the loop. The parking area is reserved for guest parking and shall not be used for the parking of residents' vehicles and/or recreation vehicles for more than a 24-hour period.
- (B) "No parking" signs shall be installed and maintained so that no parking is allowed between the curbs on any traveled portion of the loop lane, except the guest parking area.
- (C) Each residence shall provide and maintain four off-street parking spaces, two of which may be within a garage or carport.

(vi) Adjacent Lots and Structures

- (A) No front-loading garage or carport may be closer than 20 feet to the front lot line. Individual driveways must have a five-foot radius fillet on driveway corners.
- (B) The front yard setback for the house is 15 feet from the right-of-way (16 feet from the curb).
- (C) Lots on the loop lane may be 20 percent smaller and the rear setback can be 10 feet less (10 feet minimum) than as required by the zone district.
- (D) No gateways, locked entries or other access constraints are allowed across the loop lane.

(7) Bicycle Circulation

(i) Required Bicycle Access

- (A) All new development, except individual lot development of a single-family detached or duplex dwelling, shall include reasonably direct connections to the City's on-street bikeway network and Active Transportation Corridors to the maximum extent practicable.

- (B) The connection(s) and/or access point(s) shall be located so that it does not interfere with vehicular or pedestrian access and circulation, or with required landscaping.

(ii) Bike Lane Right-of-Way Required

- (A) All new development except individual lot development of a single-family detached or duplex dwelling (including subdivisions for such dwellings) shall provide right-of-way for bike lanes along the frontage of the development site with an existing street where bike lanes are called for by the Comprehensive Plan or other City-adopted plans addressing transportation (unless an existing bike lane meeting City standards is already in place). The Director and/or the City Engineer may allow alternatives to this requirement where compliance is impractical.
- (B) Required bike lanes shall be located within the right-of-way of the street and not on private property unless the City Engineer determines that location within the right-of-way is not practicable or preferable—in which case, alternatives may be allowed by the Director and/or the City Engineer.
- (C) Bike lanes shall conform to TEDS (GJMC Title 29).

21.05.030 PARKS, OPEN SPACE, AND TRAILS

(a) Open Space Dedication or Payment of Fee in-Lieu

(1) Applicability

- (i) The owner of any residential development, being developed in full or incrementally, of 10 or more lots or 10 or more dwelling units shall dedicate 10 percent of the gross acreage of the property or the equivalent of 10 percent of the value of the property as a fee in-lieu of dedication.
 - (A) The Director shall decide whether to dedicate land or to pay a fee in-lieu.
 - (B) If a land dedication is preferred by the City, the Director shall work with the applicant to determine an appropriate location on the property by considering the following:
 - a. The area proposed for dedication is not critical to the overall project design, as determined by the applicant. If this can be met, the land proposed for dedication shall meet some or all of the following criteria:
 - 1. The proposed land can implement the design criteria of the PROS plan and can be maintained by the City;
 - 2. Availability of sufficient flat surface to provide usable park or open space, or suitable open space is provided to preserve one of the following, if located on the site:
 - i. Unique landforms or natural areas;

- ii. Fish or wildlife habitat;
 - iii. Cultural, historic, or archeological areas;
 - iv. Outdoor recreation areas; or
 - v. Unique vegetative areas and significant trees;
- 3. The area proposed for dedication is not inhibited by any easements or natural hazards that would compromise its intended purpose; and
 - 4. The location of the dedication on the site is proximate to public access..
- (ii) Private open space and/or a private recreational area(s) in any development, or an outdoor living area(s) required in a multifamily development, shall not satisfy this open space dedication requirement.

(2) Calculation of Fee In-Lieu

- (i) To calculate the fee in-lieu, the owner shall have the property appraised by a Colorado certified appraiser. The appraiser shall value the total acreage of the property notwithstanding the fact that the owner may develop or propose to develop the property in filings or phases. The applicant is responsible for all costs of the appraisal and report.
- (ii) The Appraisal Report shall be in a Summary Appraisal Report form as prescribed by the most recent edition of the Uniform Standards of Professional Appraisal Practice (USPAP). The Appraisal Report shall be provided by the Applicant to the City, as a public record for the City to review, and if it accepts the Appraisal Report, determine fair market value of the property and to otherwise determine compliance with this section.

(3) Dedication and/or Fee Payment

- (i) If the land offered for dedicated has open space or recreational value, the Parks and Recreation Advisory Board shall provide a written recommendation. The City Council may accept the dedication of land so long as the land dedicated to the City is at least 10 percent of gross acreage or is found to provide adequate public benefit. If the dedication is less than 10 percent of the gross acreage, the owner shall have the gross acreage appraised per GJMC 21.05.030(a)(2) to calculate the difference in value between the land dedication and value of the gross acreage. The owner shall pay the difference in calculation to equal the value of 10 percent of gross acreage.
- (ii) For subdivisions, the land dedication or open space fee is required and payable at the time of platting. For any other project(s), the fee is due at the time of Planning Clearance.

(b) Pedestrian and Bicycle Trails

- (1) Trails shall be constructed in accordance with applicable City standards.
- (2) If a trail(s) is constructed in addition to the construction of required sidewalks, then the owner may request an offset for the cost of construction of the trail(s) against the project's open space fee in-lieu in an amount not to exceed the total open space fee. The amount of

the credit or offset will be determined by the City using established and uniform cost for labor and materials for the specific type and width of the trail(s) constructed.

21.05.040 RESIDENTIAL COMPATIBILITY STANDARDS

(a) Purpose

The purpose of this section is to protect existing Residential zone districts, neighborhoods, and uses from the potentially adverse impacts arising from the development of taller or more intense structures in close proximity to residences.

(b) Applicability

- (1) The residential compatibility standards in this subsection apply when single-family attached of three units or more, multifamily residential, mixed-use development, or nonresidential development is proposed adjacent to structures in an R-R, R-ER, R-1R, R-2R, R-4, or R-5 zone district (protected residential districts).
- (2) In cases where multiple structure types are contained on the same lot, residential adjacency shall apply to the area within that lot which encompasses the protected residential building, use, or associated activity and all accessory buildings, uses, or areas necessary to support them.
- (3) Conformity with the design requirements in this section shall be the responsibility of the multifamily, mixed-use, or nonresidential development applicant and shall be located on the property subject to the development application.

(c) Building Height Stepdown

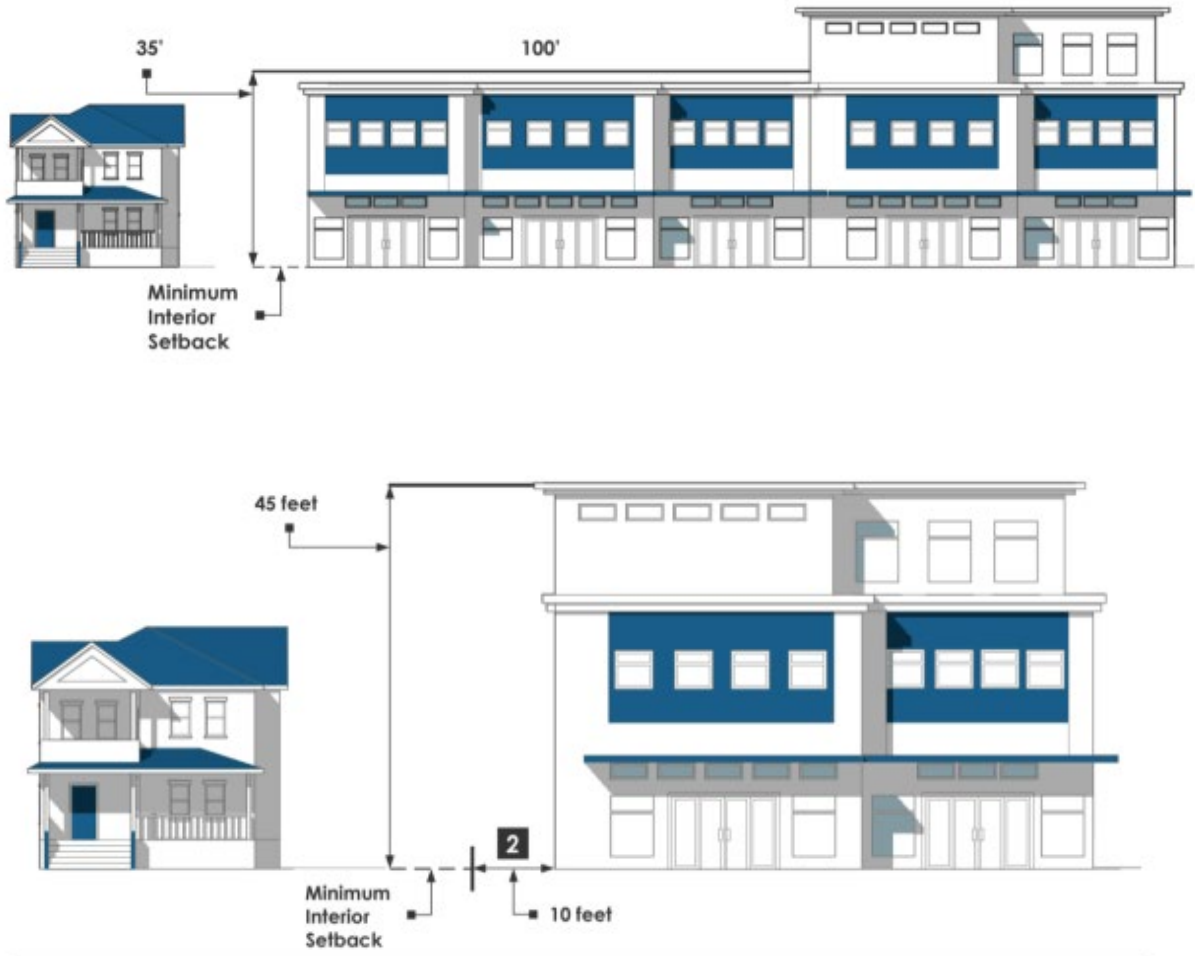
(1) Height Transition Area

A height transition area of 25 feet in width is established along each side and rear property line abutting an existing residence in a protected residential district. All new construction and additions within the height transition area are limited in height to no more than the maximum height of the protected residential district. Beyond the 25-foot transition zone, the height limit in the non-protected zone district is the maximum height for the applicable zone district.

(2) New Principal Structure Height Greater than 35 Feet

New principal buildings with a height greater than 35 feet shall reduce the perceived height of the building when viewed from the protected residential lots by using at least one of the following techniques.

- (i) "Stepping down" building height of any portion of the building within 100 feet of the side and rear lot lines abutting a lot zoned in any neighborhood district to a maximum of 35 feet; or
- (ii) Increasing the side yard and rear yard setbacks abutting the neighborhood-zoned lots by at least 10 feet beyond that otherwise required.



(d) Building Orientation

(1) Privacy

All buildings and structures shall be designed and oriented in a manner ensuring privacy of residential uses in a protected residential district.

(2) Upper Story Balconies and Patios

Balconies, patios, or other exterior public gathering spaces that are more than 24 feet above grade shall not be located within 30 feet of a protected residential district lot line.

(e) Screening, Buffering, and Site Layout

(1) Mechanical Equipment

All mechanical equipment, including but not limited to air conditioning units, air-handling units, back-up power generators, installed at ground level or on a roof must be fully screened from public view.

(i) The screening shall be at least the height of the mechanical equipment.

- (ii) Mechanical equipment that generates or is expected to generate noise in excess of 55 decibels when measured at a distance of three feet of the equipment location must provide sound abatement or suppression, which may require the equipment to be enclosed in a structure.

(2) Loading Docks

Loading docks, if necessary or required by the operation, must be located the farthest distance practicable from the protected residential district and shall meet all other applicable standards in this Code.

(3) Outdoor Storage

- (i) Outdoor storage of merchandise or equipment must be within an area enclosed with a sight-obscuring fence at least six feet in height that is architecturally coordinated in color and design with the building.
- (ii) Vehicle sales lots and plant materials may be displayed outside of an approved building or enclosed area so long as they are on the same site wherein the business displays the bulk of its goods for sale.
- (iii) Outside promotional displays are allowed during business hours only.

(4) Outdoor Waste Storage

No outdoor waste storage shall be located within 30 feet of a property line that adjoins a protected residential district or within 10 feet of a property line that parallels a protected residential district. This requirement shall not apply where the mixed-use property is separated from protected residential district by an alley or street.

(5) Vehicle Service Bays

All vehicular service bays within 150 feet of a protected residential district shall face away from the residential districts unless separated by a building or permanent architectural feature of minimum height matching the height of the service bays.

(f) Sound

- (1) No outdoor music system, whether permanent or temporary, is allowed in any mixed-use district but MU-3, Downtown.
- (2) Any use containing individual service speakers, such as drive-through ordering or payment windows, vehicle fueling pump islands, and car washes, shall not be permitted within 150 feet of any Residential zone district unless the speaker is appropriately screened. The Director may require wing walls, landscape screens, changes in building orientation, and/or other design elements to screen and minimize the impact of individual service speakers.
- (3) Any use containing public address/paging systems, such as car dealers, building materials sales, and garden centers, shall not be permitted within 1,000 feet of any Residential zone district unless separated by an arterial or higher classification roadway.

(g) Parking and Loading

- (1) No auto-related site element, including parking area, drive-through lane, or vehicle circulation driveway, shall be located between a principal structure on the lot and any side or rear property line abutting a protected residential district.
- (2) If the Director determines that, due to site topography, soils, easements, or other constraints, compliance with subsection (g)(1) is impracticable, the Director may approve a site design that locates a single or combination of auto-related site elements, between a principal structure and a side or rear property line abutting a protected residential district, provided the site element(s) is located at least 10 feet from any applicable rear or side property lines.

(h) Accessory Uses and Equipment

Outdoor vending machines, ice dispensers, vacuums, and air pumps shall not be permitted within 100 feet of any protected residential district and shall be screened to be completely out of view from adjacent residential uses.

21.05.050 RESIDENTIAL ATTACHED AND MULTIFAMILY DESIGN STANDARDS

(a) Purpose

The standards of this section are intended to promote high-quality residential development and construction; protect property values; encourage visual variety and architectural compatibility; and promote the unique character of Grand Junction’s neighborhoods. Specifically, the standards:

- (1) Promote new multi-unit residential developments that relate and connect to established neighborhoods;
- (2) Enhance public safety by preventing garages from obscuring main entrances or blocking views of the street from inside residences; and
- (3) Improve the compatibility of infill projects with the residential character of surrounding neighborhoods.

(b) Applicability

(1) New Development

This section applies to all new attached residential with three or more units, and all multifamily development. This section does not apply to single-family detached or duplex units.

(2) Redevelopment

Redevelopment that includes the replacement or addition of units shall comply to with these standards to the maximum extent practicable for the new or replacement units.

(c) General Standards for all Residential Attached and Multifamily Development

(1) Mix of Housing Types

Developments shall promote a diverse community through the provision of a variety of housing types, such as a combination of duplex, tri-plex, four-plex, townhomes,

apartments, and single-family units in a range of sizes. Developments are encouraged that are not dominated by a single type of home or dwelling unit.

(2) Transitions Between Different Land Use Areas

When located adjacent to designated zone districts, development shall comply with applicable height and setback transitional standards in GJMC 21.05.040.

(3) Infill Development

Infill residential structures, including garages, shall be designed with form, shapes, textures, and functions that are compatible in scale, siting, detailing and overall character with comparable residential structures in the immediate neighborhood.

(4) Energy Conservation and Site Orientation Guidelines

- (i) Consideration shall be given to energy conservation in the building design. Use of solar space or water heating, or use of in-line hot water systems, efficient lighting systems, insulation and other energy efficient techniques are strongly encouraged.
- (ii) Orientation of buildings and windows to improve solar access and energy conservation is strongly encouraged.
- (iii) The site plan may be required to be modified so that view planes identified by the City are preserved for as many structures as possible.

(5) Structured Parking Design

- (i) Parking structures shall be constructed of materials of similar quality and shall be compatible in appearance with adjacent buildings and shall contain lighting sufficient for security as approved by the Director.
- (ii) Ground floor facades of parking structures not occupied by active uses shall be articulated through the use of three or more of the following architectural features.
 - (A) Windows or window-shaped openings with decorative mesh or similar features as approved by the zoning administrator;
 - (B) Masonry columns;
 - (C) Decorative wall insets or projections;
 - (D) Awnings;
 - (E) Changes in color or texture of materials;
 - (F) Approved public art;
 - (G) Integrated landscape planters; or
 - (H) Other similar features approved by the Director.
- (iii) Where feasible, the ground floor of parking structures in Mixed-Use or nonresidential districts shall be wrapped with active public or residential uses along at least 60 percent of the ground-floor street frontage.

(d) Development with Three or More Principal Structures

In addition to GJMC 21.05.050(c), these standards apply to all attached single-family or multifamily developments with three or more principal structures. For example, this would include a development with three rows of townhomes or four apartment buildings. These standards are applicable whether the units are designed for individual lots or not.

(1) Building Layout

- (i) Buildings shall be organized to promote a compact pattern of development, pedestrian-friendly spaces, streetscapes, areas of naturalized landscaping, and to screen parking areas.
- (ii) Buildings shall be arranged and grouped to define one or more of the following:
 - (A) Framing the corner of an adjacent street intersection or entry point to the development;
 - (B) Framing and enclosing a pedestrian and/or vehicle road or access corridor within or adjacent to the development site;
 - (C) Framing and enclosing parking areas, public spaces, or other site amenities on at least three sides;
 - (D) Framing and/or enclosing outdoor dining or gathering spaces for pedestrians between buildings; or
 - (E) Framing one or more areas of natural vegetation.

(2) Building Design Elements

- (i) To the maximum extent practicable, the principal building entrance shall face:
 - (A) An adjacent public street;
 - (B) An adjacent publicly accessible plaza; or
 - (C) An adjacent primary public walkway.
- (ii) In cases where the long axis of a building is perpendicular to the primary street, the portion of the structure facing the primary street shall be configured with at least one functioning entry and one or more transparent windows.
- (iii) In cases where the principal entrance does not face the principal street, the entrance shall be connected to the street and adjacent parking areas with a sidewalk(s).

(3) Circulation and Parking

- (i) Circulation shall be designed to protect pedestrian/bicycle ways and shall minimize potentially unsafe interactions automobile traffic.
- (ii) Pedestrian and bicycle circulation shall be given equal consideration as automobile traffic. Pedestrian and visual linkages shall be made between a project and off-site amenities.
- (iii) The project shall be designed to minimize negative traffic impacts on and of the surrounding uses.

- (iv) To the maximum extent practicable, garage entries, carports, parking areas, and parking structures shall be internalized in building groupings or oriented away from street frontage.
- (v) Parking areas and freestanding parking structures (detached garages or carports) shall not occupy more than 30 percent of each perimeter public street frontage of a multifamily development.
- (vi) To the maximum extent practicable, freestanding parking structures that are visible from perimeter public streets shall be sited so that the narrow end of the parking structure is perpendicular to the perimeter street.
- (vii) Temporary parking structures are not permitted.
- (viii) Projects that require parking areas with more than six parking spaces shall provide maneuvering areas that accommodate ingress and egress from the lot by forward motion of vehicles. The Director may allow parking that backs out directly onto a street if the applicant can show this is a safe alternative for both pedestrians and the driver.
- (ix) The visual focal point of drives and walkways should be free of utilities, trash receptacles, and outdoor storage areas.

(4) Garages, Parking, and Bulk Storage

(i) Attached Garage

On blocks where the existing garage layout is predominately detached or alley-loaded, attached garages for attached residential units shall meet the following design standards

- (A) The structural opening for street-facing garages on attached dwellings shall not comprise more than:
 - a. Two-car garage: 45 percent of the façade width or 18 feet, whichever is greater; or
 - b. Three-car garage: 55 percent of the façade width or 27 feet, whichever is greater.
- (B) The use of side-loading garages is permitted. The outside wall of a street-facing side-loading garage must have a minimum of two of these design features:
 - a. Siding materials identical to that found on the primary façade;
 - b. Two or more windows of a size and design similar to those found on the primary façade; or
 - c. Garage or living area façade offset from the other a minimum of four feet.
- (C) Townhome (or similar attached structure design) rows shall have no more than six garage openings on any principal building elevation containing entry doors.
 - a. Each garage opening shall have a maximum width of 9 feet.

- b. No more than four garage openings may be grouped together without an intervening wall surface of at least 20 linear feet (measured horizontally).

(ii) Bulk Storage

- (A) Bulk storage areas intended for storage of materials other than food and clothing, such as tools, bicycles, ski equipment, etc. shall be designed for this purpose. Bulk storage areas shall be free of encumbrances such as water heaters or other types of mechanical or electrical equipment.
- (B) Exterior or detached bulk storage areas shall be designed as an integral part of the project and be integrated with the architectural character of the dwellings on the site. Bulk storage areas incorporated into garages, car ports, and screening walls shall use materials and details similar to those of the dwelling unit to achieve an integrated appearance.
- (C) The provision of additional storage beyond these minimum requirements is encouraged.

21.05.060 NONRESIDENTIAL AND MIXED-USE DESIGN STANDARDS

(a) Purpose

The purpose of these standards is to provide a consistent level of architectural character, quality, and aesthetics for mixed-use and commercial development, as well as to improve and enhance pedestrian access, vehicular access, parking, and circulation.

(b) Applicability

This section is applicable to nonresidential and mixed-use development in the MU-1, MU-2, MU-3, CG, and P-2 zone districts.

(c) Materials

All nonresidential and mixed-use buildings shall be constructed with exterior materials that are durable, including but not limited to stone, brick, cementitious board, and architectural metals.

(d) Architectural Features

- (1) The main entrance to the building(s) shall be on the front façade of the building.
 - (i) Additional entrance(s) may be provided on the side and/or rear of the building to parking areas or other pedestrian facilities.
 - (ii) A front door may be constructed anywhere along the front façade of the building including at the corner of the front façade.
- (2) Buildings shall include the following architectural design elements:
 - (i) The building shall be designed to include recessed or projecting elements to provide façade articulation. This can be accomplished through the design of entryways, awnings, rooflines, projecting bays, pilasters, columns, or other features. Articulation shall occur a minimum of every 30 feet for all sides of the building.

- (ii) The first floor of a building designed to accommodate a commercial space (such as a restaurant or retail use) shall have windows facing the public street to create visual interest to pedestrians and provide views from inside of buildings to the street.
- (3) All sites or structures shall incorporate a minimum of three of the following architectural design elements:
 - (i) Variation in materials, material modules, expressed joints and details, surface relief and texture to break up building forms and wall surfaces. Such detailing may include sills, headers, belt courses, reveals, pilasters, window bays or similar features for all sides of the building.
 - (ii) Variation in roof lines/roof materials in order to add interest to and reduce the scale of buildings or expanses of blank wall. This can be accomplished through design elements such as overhangs, eaves, recesses, projections, raised cornice parapets over doors or bays and peaked roof forms.
 - (iii) Façade features that emphasize the principal building entrance through projecting or recessed forms, detail, color and/or material.
 - (iv) Outdoor patio in combination with or without outdoor seating located between the building and the primary public street.
 - (v) Ground story transparency of at least 50 percent in the form of windows and/or door(s) for facades facing all public street frontages.
 - (vi) Public art, as approved by the Director, or
 - (vii) Other architectural or site features that help create a consistent design for the site and reflect the design character of the area where the project is located, as determined by adopted plan or by the Director.

(e) Site Design

Site design elements are intended to minimize vehicular orientation and emphasize pedestrian activities such as ease of access from the public way and safe access to parking areas, increase walkability of the district especially between the public way, transit facilities and other buildings. They are also intended to provide safe access to businesses from the street and sidewalks, as well as maximize multiple parcel interconnectivity.

(1) Circulation

- (i) A six-foot-wide sidewalk shall be provided from the street to the front of all principal building main entrances.
- (ii) Pedestrian paths shall be established between neighboring buildings, between buildings and outlying parking areas, and between buildings and transit facilities.
 - (A) Pedestrian paths shall be clearly visible, have adequate lighting, and be designed to be reasonably direct.
 - (B) Where pedestrian paths cross vehicular routes, a change in paving materials, textures, or colors shall be provided to emphasize the potential conflict point, improve visibility, enhance safety, and enhance aesthetics.

- (iii) On-site signage and traffic markings shall be provided as necessary to facilitate circulation and improve public safety and awareness.

(2) Access

Site layout and access design shall minimize the number of traffic conflict points into and out of a business or overall development site by defining and consolidating driveways or access points and designing shared access between/among businesses.

21.05.070 RETAIL SALES, BIG BOX

(a) Applicability

The following standards and guidelines are applicable to any retail commercial structure in excess of 60,000 square feet or any retail center in which any one structure exceeds 60,000 square feet (hereinafter "big box").

(b) Building Design

- (1) The following standards shall apply to all building facades and exterior walls that are visible from adjacent public streets and/or parcels. These standards are intended to reduce the massive scale of large buildings, which, without application of these standards, may be incompatible with Grand Junction's desired character.
 - (i) Facades greater than 150 feet in length, measured horizontally, shall incorporate wall plane projections or recesses having a depth of at least three percent of the length of the façade and extending at least 20 percent of the length of the façade. No uninterrupted length of any façade shall exceed 150 horizontal feet.
 - (ii) Ground floor facades that face public streets shall have display windows, entry areas, awnings, or other such features along no less than 60 percent of their horizontal length. If the façade of the building facing the street is not the front, it shall provide the same features and/or landscaping in scale with the façade.
- (2) Buildings should have visually interesting architectural features and patterns that are designed to reduce mass and scale and reflect local character.
- (3) The following, in regard to trim, graphics or paint should be integral and not superficially applied: color and material change, texture change and relief such as offsets, projections and reveals.
- (4) Variation in roof lines/roof materials, in order to add interest to and reduce the massive scale of large buildings, is required. Roofs shall have no less than two of the following features:
 - (i) Parapets concealing flat roofs and rooftop equipment, such as HVAC units, from public view. Parapets shall not exceed one-third of the height of the supporting wall and shall not be of a constant height for a distance of greater than 150 feet;
 - (ii) Overhanging eaves, extending no less than three feet past the supporting walls, for no less than 30 percent of the building perimeter;

- (iii) Sloping roofs that do not exceed an average slope greater than or equal to one foot of vertical rise for every three feet of horizontal run and less than or equal to one foot of vertical rise for every one foot of horizontal run; and
 - (iv) Three or more roof slope planes.
- (5) The following standards are intended to ensure that large structures are consistent with community values.
- (i) Predominant exterior building materials shall be high quality material. These include, without limitation:
 - (A) Brick;
 - (B) Other native stone;
 - (C) Tinted, textured, concrete masonry units;
 - (D) Wood; and
 - (E) Sandstone.
 - (ii) Façade colors shall be nonspecular, neutral, or earth tone colors. The Director shall prohibit the use of high intensity, metallic, black, or fluorescent color.
 - (iii) Building trim and accent areas may feature brighter colors, including primary colors.
 - (iv) Predominant exterior building materials shall not include the following:
 - (A) Smooth-faced concrete block;
 - (B) Smooth-faced tilt-up concrete panels; or
 - (C) Prefabricated steel panels.
- (6) Entrances
- (i) Big boxes, where possible, shall provide multiple entrances. Multiple entrances reduce walking distances from cars, facilitate pedestrian and bicycle access from public sidewalks and provide convenience where certain entrances offer access to individual stores or identified departments of a store. Multiple entrances also mitigate the effect of unbroken walls and neglected areas that often characterize building facades that face other properties.
 - (ii) Entryway design elements and variations should give orientation and aesthetically pleasing character to the building. The following standards identify desirable entryway design features. Each principal building on a site shall have clearly defined, highly visible customer entrances featuring no less than three of the following:
 - (A) Canopies or porticos;
 - (B) Overhangs;
 - (C) Recesses/projections;
 - (D) Arcades;
 - (E) Raised corniced parapets over the door;

- (F) Peaked roof forms;
 - (G) Arches;
 - (H) Outdoor patios;
 - (I) Display windows;
 - (J) Architectural details such as tile work and moldings which are integrated into the building structure and design; and
 - (K) Integral planters or wing walls that incorporate landscaped areas and/or places for sitting.
- (7) To the greatest extent possible, mechanical appurtenances shall be located within the structure. External mechanical appurtenances such as heating and air conditioning equipment shall be screened and finished to match the colors and materials of the building.
- (8) All buildings and enclosures shall be designed to be compatible with the principal structure. Compatibility shall be measured in terms of design, form, use of materials, and color.
- (9) All applications for any superstore/big box development/shopping center development shall submit, as part of their site plan review, a complete sign package consistent with the latest edition of the Submittal Standards for Improvements and Development (SSID) manual.

(c) Site Layout

Where practicable, buildings shall be located closer to the street so that the scale of the building appears to be reduced, pedestrian traffic is encouraged and architectural detail is more apparent.

(d) Outdoor Spaces and Amenities

- (1) Big box shall provide outdoor spaces and amenities to link structures with the community. Bus stops, drop-off/pick-up points, as well as pedestrian circulation routes, shall be integrated with traffic patterns on the site. Special design features enhance the building's function with its relationship to the community.
- (2) Big box site or structure design shall provide at least two of the following features:
- (i) Patio/seating area;
 - (ii) Pedestrian plaza with benches;
 - (iii) Window display area (covering at least 75 percent of the length of one facade or 50 percent of the length of two facades);
 - (iv) Outdoor playground area;
 - (v) Kiosk area;
 - (vi) Water feature;
 - (vii) Clock tower;

- (viii) Public art; or
- (ix) Other features approved by the Planning Commission.
- (3) Each big box shall provide an off-street bus stop for customers and employees when located on an established or planned bus route.
- (4) Each of these features shall be constructed of material that is compatible with the principal structure and be linked by pedestrian connections as required by this Code.

(e) Sidewalks

Pedestrian accessibility from a big box to the neighborhood is important to reducing traffic impacts and projecting a friendlier, more inviting image. This subsection sets forth standards for public sidewalks and internal pedestrian circulation systems that can provide user-friendly pedestrian access as well as pedestrian safety, shelter, and convenience within the center grounds.

- (1) Continuous internal pedestrian walkways, no less than eight feet in width, shall be provided from the public sidewalk or right-of-way to the principal customer entrance of the principal structure. At a minimum, walkways shall connect pedestrians to transit stops, street crossings, building and store entries and shall feature adjoining landscaped areas that include trees, shrubs, benches, flower beds, ground covers or other materials for no less than 50 percent of its length.
- (2) Sidewalks, no less than eight feet in width, shall be provided along the full length of the building along any facade featuring a customer entrance and along any facade abutting public parking.
- (3) Sidewalks shall be located an average of six feet from the facade of the building to provide planting beds for foundation landscaping, except where features such as arcades, display windows or entryways are part of the facade.
- (4) Walkways within 30 feet of at least half of the customer entrances shall have weather protection features such as awnings or arcades.
- (5) Pedestrian walkways in public parking areas shall be distinguished from driving surfaces by the use of durable, low maintenance surface materials such as pavers, bricks or patterned concrete. Such walkways enhance pedestrian safety and comfort, as well as the attractiveness of the walkways.

(f) Parking

- (1) Parking areas should provide safe, convenient, and efficient access.
- (2) Parking shall be distributed to shorten the distance to buildings and public sidewalks and to reduce pavement.
- (3) Where possible, no more than 75 percent of the off-street parking for the entire property shall be located between the front facade of the principal structure and the primary abutting street ("front parking area").
 - (i) The front parking area shall be determined by drawing a line from the front corners of the building to the nearest property corners. If any such line, when connected to the plane of the front facade of the building, creates an angle that is greater than 180

degrees, then the line shall be adjusted to create an angle of 180 degrees when connected to the plane of the front facade of the building. If any such line, when connected to the plane of the front facade of the building, creates an angle that is less than 90 degrees, then the line shall be adjusted to create an angle of 90 degrees when connected to the plane of the front facade of the building.

- (ii) Parking spaces in the front parking area shall be counted to include all parking spaces within the boundaries of the front parking area, including:
 - (A) All partial parking spaces if the part inside the front parking area boundary lines constitutes more than one-half of said parking space; and
 - (B) All parking spaces associated with any pad sites located within the front parking area boundaries.

(g) Outdoor Storage, Display, and Operations

- (1) Outdoor storage, loading and operations areas shall be attractively screened from adjacent parcels and streets.
- (2) Outdoor storage, trash collection and/or compaction, loading or other such uses shall be located in the rear of the lot.
- (3) If, because of lot configuration, the Director determines that such placement is not practicable, then the side yard may be used, but in no case shall such area be located within 20 feet of any public street, public sidewalk, or on-site pedestrian way.
- (4) Outdoor storage, HVAC equipment, trash collection, trash compaction and other service functions shall be incorporated into the overall site design. Views of these areas shall be screened from visibility from all property lines and separated from sidewalks and on-site pedestrian ways. Screening structures shall be made of the same materials as the principal structure.
- (5) Non enclosed areas for the storage and sale of seasonal merchandise shall be permanently defined and screened with walls and/or fences. Fences must comply with GJMC 21.07.080(b)(3), any design guidelines, and other conditions of approval. Materials, colors, and design of screening walls and/or fences shall conform to those used as in the principal structure. If such areas are to be covered, then the covering shall conform to the colors on the building. Outdoor display and storage shall not encroach on any portion of a walkway, drive aisles or required parking spaces.
- (6) Portable outdoor display shall be allowed and shall be placed so that a minimum of eight feet of sidewalk remains open at all times in the display area. Display shall not be placed in the drive aisles or required parking spaces.
- (7) No delivery, loading, trash removal or compaction, or other such operations shall be permitted between the hours of 10:00 p.m. and 7:00 a.m. unless the applicant submits proof that sound barriers between all areas for such operations effectively reduce noise emissions to a level of 45 decibels, as measured at the lot line of any abutting property.
- (8) One outdoor vendor shall be allowed for each tenant over 50,000 square feet. The area established for the vendor shall be identified on the site plan.

- (9) Any special event occurring in any outdoor area, including pedestrian ways and parking lots, shall comply with GJMC 21.02.040(b).

21.05.080 SCREENING

(a) Single Unit Residential

To the maximum extent practicable, utility equipment on residential lots should be located behind the front building line of the house and screened from public view by an opaque wall, fence, or landscaping screen.

(b) Multi-Unit Residential, Mixed-Use, and Nonresidential

(1) Screening Generally

- (i) All multi-unit residential development, manufactured and mobile home parks, and all mixed-use and nonresidential projects shall include on the landscape plan, a detailed drawing of enclosure and screening methods to be used in connection with trash bins, recycle bins, storage yards, service areas, loading docks, and equipment areas on the property.
- (ii) No existing screening or landscape buffer shall be removed from any developed or undeveloped commercial property which directly abuts a residentially zoned property without first submitting and obtaining approval for a landscaping plan which provides for replacement screening conforming to all provisions of this section.

(2) Mechanical Equipment

(i) Applicability

- (A) The standards of this section shall apply to all of the following:
 - a. Electrical and gas-powered mechanical equipment;
 - b. Ductwork and major plumbing lines used to heat, cool, or ventilate; and
 - c. Power systems for the building or site upon which the equipment is located.
- (B) Roof or wall-mounted antennas and vent openings shall not be considered mechanical equipment for purposes of these screening standards. The standards of this section are not intended to apply to solar arrays, solar energy collection systems, or small wind energy systems, if such systems are otherwise in compliance with applicable building codes and development standards requirements.

(ii) Screening Standards

(A) Roof-Mounted Mechanical Equipment

- a. Roof-mounted mechanical equipment shall be screened by a parapet wall or similar feature that is an integral part of the building's architectural design.
- b. The parapet wall or similar feature shall be of a height equal to, or greater than the height of the mechanical equipment being screened.

- c. Roof-mounted mechanical equipment, except solar energy collection systems, is prohibited on single-unit residential dwellings.

(B) Wall-Mounted Mechanical Equipment

Wall-mounted mechanical equipment, except air conditioning equipment (e.g., window AC units), shall be screened from view by structural features that are compatible with the architecture of the subject building.

(C) Ground-Mounted Mechanical Equipment

- a. Ground-mounted mechanical equipment shall be screened from view by landscaping, a fence, or a decorative wall that is integrated into the architecture of the structure.
- b. The fence or wall shall be of a height equal to, or greater than the height of the mechanical equipment being screened and no taller than 8 feet.

(D) Alternate Screening

- a. Alternate screening methods that meet the intent of this section may be approved by the Director.
- b. Alternative screening might include, but shall not be limited to, increased landscaping, grouping the equipment on specific portions of a site, architectural elements, and painting or otherwise causing the equipment to blend with the site or structure.

(3) Service, Loading, and Storage Areas

(i) Applicability

These screening requirements are applicable to all service, loading, and storage areas. Applicants are encouraged to locate the types of features listed in this subsection where they are not visible from off-site, or from public areas of a site, so that screening is unnecessary.

(ii) Placement

- (A) All service areas shall be placed at the rear, on the side of, or inside buildings.
- (B) No service area shall be visible from a public right-of-way, not including an alley, or from adjacent residential areas.
- (C) Service areas and access drives shall be located so they do not interfere with the normal activities of building occupants or visitors on driveways, walkways, in parking areas, or at entries.

(iii) Outside Storage Areas and Loading Docks

- (A) All storage areas, service areas, and loading docks visible from any public street right-of-way shall be screened according to one or more of the screening options provided in these standards. Property zoned industrial must also screen from view all outside storage areas that are adjacent to, or can be seen from non-

Industrial zoned property, unless the adjacent non-industrial-zoned property is located in the industrial classification of the City's Future Land Use Map.

- (B) Screening shall be a minimum height of eight feet to screen truck berths, loading docks, areas designated for permanent parking, or storage of heavy vehicles, equipment, or materials.
- (C) Screening shall be long enough to screen the maximum size trailer that can be accommodated on site. Sites that can accommodate a full-size tractor-trailer shall provide a 48-foot wing wall, where wing walls are used.

(iv) Shopping Cart Storage

All shopping carts shall be stored inside the building they serve. Shopping cart corrals shall be made of a material suitable for withstanding weathering and rusting.

(v) Dumpster, Garbage, or Trash Enclosure

- (A) Each required garbage enclosure shall be accessible for truck pick-up. Access drives shall be constructed of material and thickness to accommodate truck loading. Year-round accessibility to the enclosure for service trucks area shall be maintained by the property owner or tenant.
- (B) The container shall not be visible from any adjacent property or from any public right-of-way. Each required enclosure shall be screened through the use of a solid wall on at least three sides to a height of at least six inches above the height of the top of the container. The use of materials that are not solid, such as slates in chain-link fencing, shall not be used to meet this requirement.
- (C) Enclosure openings directly visible from a public right-of-way and/or adjoining properties shall have a gate constructed of solid material.
- (D) Enclosure structures shall be designed to protect the walls from damage by containers. Such protection may include use of barrier curbing reinforced masonry walls, or other similar means.
- (E) Trash enclosures shall not be located within a required street front or street side setbacks or buffer yard or occupy area used for required parking spaces.

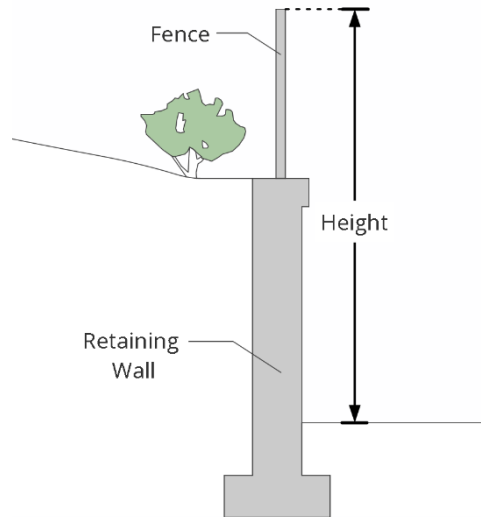
21.05.090 FENCES

(a) Permit Required

- (1) A Fence Permit is required for installation of any fence, except that a fence or wall that exceeds six feet in height and a retaining wall of four feet or higher are considered a structure requiring a Planning Clearance and building permit rather than a Fence Permit, and setbacks for structures apply (except where otherwise specifically provided).
- (2) All fences, including those considered structures, shall meet the standards, limitations and requirements of this section, and shall comply with TEDS (GJMC Title 29).

(b) Fence Height Measurement

- (1) The height of fences shall be determined by measurement from the ground level upon which the fence is located. Grade shall not be altered for the sole purpose of increasing fence height. An increase of up to two inches in height shall be allowed when spacing for drainage under the fence is needed.
- (2) For fences erected on retaining walls, the height of the retaining wall shall be included in the height of the fence.

**Figure 05.09-1 Fence Height Measurement**

- (3) Pillars or other support structures for a fence shall be allowed to exceed the maximum fence height by up to one foot at intervals no closer than eight feet.
- (4) The height and location requirements of this subsection may be modified as part of subdivision, planned development or conditional use approval.

(c) Fence Materials.

- (1) Fences and walls shall be constructed of materials approved by the Director.
- (2) Acceptable materials include wire, wrought iron, plastic, wood, and other materials with a similar look.
- (3) Unacceptable materials that are visible include glass, tires, razor wire and concertina wire, or unconventional salvaged materials or similar materials. Electric fencing shall be allowed to contain large animals.
- (4) The Director may approve materials for security facilities.

(d) Residential Districts

Fences in all Residential zone districts and the MU-1 district, shall meet the following standards:

- (1) Fences in the required front yard setback shall not exceed 30 inches in height. Such fences may be increased to 48 inches maximum height if the fencing material is at a ratio of two-

thirds open space to one-third closed space per square foot for that part of the fence extending above the 30-inch height.

- (2) Unless the approval of the development required a landscape strip, fences up to six feet in height are permitted within front yard setbacks along arterial or major collector roads, provided they are in accordance with adopted corridor overlay zone standards, TEDS (GJMC Title 29) and all other engineering standards and meet the following minimum standards:
 - (i) Fences or walls four feet or less in height consisting of an open design that has at least two-thirds open space to one-third closed space (e.g., picket and split rail fences), or a decorative wall, with no required landscape strip;
 - (ii) Fences or walls over four feet in height with a minimum five-foot-wide planting strip between the fence or wall and right-of-way. The landscaped strip shall contain at least one tree per 40 feet and have adequate ground cover; or
 - (iii) Perimeter fences and walls in new developments must meet the requirements of GJMC 21.07.090, Residential Subdivision Perimeter Enclosures.
- (3) On that part of the lot other than the required front yard setback area, fences may be erected to six feet in height. Fences within a required principal structure setback exceeding six feet in height require an Administrative Adjustment in accordance with GJMC21.02.040(c) .
- (4) On corner lots, that part of a backyard fence that extends to and along the side property line on the street side may be six feet high but is subject to the provisions of TEDS (GJMC Title 29) and other engineering standards.

(e) Nonresidential Districts

Fences in all Mixed-Use and nonresidential zone districts shall meet the following standards:

- (1) Location of these fences must be approved by the City Engineer to ensure that adequate sight distance is maintained.
- (2) On those sites located within the MU-3 Downtown zone district, fences in the required front yard setback area shall not exceed 30 inches in height. The height may be increased to 48 inches maximum height if the fencing material is at a ratio of two-thirds open space to one-third closed space per square foot for that part of the fence extending above the 30-inch height.
- (3) In all other Mixed-Use and nonresidential zone district locations, fences to a height of six feet shall be located outside the front yard setback. Fences which are 30-inch solid height or four feet in height if two-thirds open may be located within the front yard setback. The addition of not more than three strands of barbed wire shall be allowed and shall not be considered in the height calculation.

(f) Maintenance

All fences or walls shall be maintained in good repair.

21.05.0100 USE OF PUBLIC RIGHT-OF-WAY

No private structure, fence, sign, parking lot, detention/retention pond, or other temporary or permanent object or structure shall be constructed, maintained, or erected in any portion of any public right-of-way without first obtaining a Revocable Permit from the City. The City Engineer or other City official may allow traffic control devices, street signs, public notices, utility poles, lines, and street banners consistent with this Code.

- (a) No person shall use any structure or use, store, display, or sell any merchandise in a public right-of-way without having first obtained a Revocable Permit, except that this provision shall not be enforced in a manner which limits unreasonably any person's freedom of speech or assembly.
- (b) No commercial vehicle which exceeds one and one-half tons rated carrying capacity shall be parked in a public right-of-way which abuts any Residential zone district.
- (c) Parking of an RV or any vehicle for more than 72 hours shall not be allowed in a public right-of-way or on any vacant lot.

Chapter 21.06 Natural Resources and Environmentally Sensitive Lands

21.06.010 ENVIRONMENTAL AND SENSITIVE LAND REGULATIONS

(a) Purpose

Environmental and sensitive lands (ESL) regulations shall apply to identified hazard areas and/or lands, which have or may have specific environmental conditions. The intent of this regulation is to:

- (1) Guide development and land use within these areas;
- (2) Protect the public from avoidable financial expenditures for hazard control projects, hazard relief measures and damages to public utilities, streets, and bridges;
- (3) Protect people and property and minimize damage from possible hazards; and
- (4) Provide a mechanism by which people owning/purchasing land can gain information about the land and whether the land is suitable for development.

(b) Applicability

The provisions of this section, in addition to any other applicable regulation, shall apply to a Planned Development Outline Development plan, Preliminary Subdivision Plat or Simple Subdivision for environmental and sensitive lands. This section shall not apply to the following:

- (1) Development of a single-family detached dwelling on any lot or parcel in existence as of the Effective Date;
- (2) State, county or City highway personnel engaged in constructing or effecting repair of bridges and/or roads;
- (3) Colorado Division of Wildlife and/or U.S. Fish and Wildlife Service engaged in habitat improvement; and
- (4) Railroad personnel engaged in constructing or effecting repair of bridges and track.

(c) General Requirements

- (1) The Director shall administer this Code making any necessary interpretations of maps and other documents or information necessary or required, to determine among other things the boundaries of geologic and wildfire hazard areas.
- (2) Any development application involving a property with a known or suspected geologic hazard shall be submitted by the Director for review by the Colorado Geological Survey.
- (3) Any development application involving a property with a known or suspected wildfire hazard shall be submitted by the Director for review by the State Forestry Service.
- (4) Protection from or against hazard or loss by the application of this regulation is not guaranteed. The analysis and recommendations are based on engineering and scientific studies, which are reasonably believed to be accurate and complete. A review consistent with this regulation does not guarantee, either expressly or impliedly that areas outside of established hazard boundaries or uses permitted within hazard boundaries will be free

from damage or that people will be free from death or injury caused by known or unknown hazards. Application of this regulation to any development shall not create any liability on the part of, or create a cause of action against, the City or any officer or employee thereof.

(d) Wildfire Standards

(1) Defensible Space

Any new residential development on or adjacent to land that is predominantly woods, brush or grasslands, shall be developed to minimize the potential for the buildings to be ignited by wildfire and for a building fire to ignite surrounding woods, brush or grasslands. In addition to all other applicable regulations woods, brush or grassland development shall be developed with the area surrounding each dwelling unit modified and managed using a two-area system as follows:

(i) Area 1

Area 1 shall consist of a 30-foot area immediately surrounding the dwelling unit, not to extend beyond the property line. No dead trees or other dead vegetation may remain in Area 1 at the time of initial sale or initial construction, whichever is first. Area 1 shall be further subdivided into two segments:

- (A) Segment A shall consist of the five feet immediately surrounding all sides of the dwelling unit. All vegetation shall be removed from this area at the time of initial sale or construction, whichever is first. No new vegetation shall be planted in Segment A if the structure is sided with combustible materials such as wood or logs. If noncombustible siding is used, however, low-growing shrubs may remain or be installed. In no case shall shrubs be planted so as to be continuous with grass. No propane tanks may be installed in Segment A and no firewood or other combustible materials may be stored there.
- (B) Segment B shall consist of the 25 feet immediately beyond Segment A. At the time of initial sale or initial construction, whichever occurs first, all installed trees within Area 1 shall be located, and all existing vegetation shall be thinned, as follows to break up the horizontal and vertical continuity of fuels:
 - a. Spacing between clumps of brush or trees, as measured between the crown of each clump, shall be no closer than two times the height of the taller clump. The maximum width of any clump of brush or trees shall be no greater than two times the height of the clump. Thinned material shall be removed from the site.
 - b. All branches of trees or brush shall be pruned to a minimum height of 10 feet above the ground or one-half the total height of the tree or bush, whichever is less. Pruned material shall be removed from the site.
 - c. Propane tanks and firewood may be located in Segment B, but in no case shall such tanks be located within 20 feet of the principal structure. Propane tanks shall be located on gravel pads and shall not be located immediately adjacent to grass-covered areas.

(ii) Area 2

Area 2 shall consist of the area immediately beyond Area 1 and extending to 75 feet from the principal structure, not to extend beyond the property line. Trees shall be initially thinned in this area to maintain a minimum of five feet between tree crowns at maturity. All dead trees must be removed from Area 2 prior to initial sale or initial construction, and subsequent dead trees shall be removed annually, except that two dead trees per acre may remain to serve as wildlife habitat.

(2) Maintenance

Persons owning, leasing or otherwise maintaining new dwelling units covered by provisions of this Code are responsible for proper maintenance of the defensible space. Maintenance of the defensible space shall include modifying or removing flammable vegetation and keeping leaves, needles, and other dead vegetative material from accumulating on roofs of structures.

(e) Wildlife Habitat Protection

- (1) Prior to development of a moderate, high, or very high potential for impact category parcel, as shown on the 1999 Wildlife Composite Map for the urban area or an amended map approved by the City, the developer shall consult with the Colorado Division of Wildlife to substantiate the basis for the potential impact and to address various specific measures to avoid, minimize, or mitigate negative impacts to wildlife and/or habitat.
- (2) New structures shall not be located within 100 feet of the floodways of the Colorado or Gunnison Rivers or as recommended by the Colorado Division of Wildlife. Roads, trails, recreation access sites, bridges, fences, irrigation and water diversion facilities, erosion and flood control devices, underground utilities, and similarly necessary structures may be located within this setback, if necessary. The installation of these structures shall comply with all other applicable federal, state, and local regulations.

(f) Hillside Development

(1) Purpose

The provisions in this section are designed to accomplish the following:

- (i) Prohibit development or uses which would likely result in a hazardous situation due to slope instability, rock falls, or stormwater runoff and excessive soil erosion;
- (ii) Minimize the threat and consequent damages resulting from hillside area fires by establishing fire protection measures and adequate emergency vehicle access;
- (iii) Preserve natural features, wildlife habitats, natural vegetation, trees, and other natural plant formations;
- (iv) Provide for safe vehicular circulation and access to recreation areas, natural drainage channels, paths, and trails;
- (v) Encourage the location, design, and development of building sites in a manner that will provide for greater aesthetic appeal, blend with the slopes and hillside terrain, minimize the scarring and erosion effects of cutting, filling and grading of hillsides and prohibit development of ridge lines as defined; and

- (vi) Encourage preservation of open space by encouraging clustering or other design techniques to preserve natural terrain, views, and vistas.

(2) Applicability

Hillside development standards are applicable to hillside development and excavation of hillside so that:

- (i) Soil and slope instability and erosion is minimized;
- (ii) The adverse effects of grading, cut and fill operations are minimized;
- (iii) The character of the City's hillsides is preserved; and
- (iv) The public's interest is protected.

(3) Hillside Development Standards

In furtherance of the purposes set forth in this section, any hillside development shall comply with the tables below. Any portion of a development having a slope greater than 30 percent with an elevation change of 20 feet or greater shall not be included in calculation of the area of such parcel for the purposes of determining conformity with the minimum lot parcel size and density requirements below.

| Table 21.06-1: Minimum Lot Size and Width for Hillside Development: Single-Family, Planned Development, and Cluster Development | | |
|--|---------------------------------------|------------------------------------|
| Average Slope of Development Area (%) | Minimum Lot Size (sq. ft.) [1] | Minimum Lot Width (ft)[2] |
| 0 - 10 | See existing zone | See existing zone |
| 10.01 - 20 | 10,000 | At least 100 at front setback line |
| 20.01 - 30 | 15,000 | At least 200 at front setback line |
| 30.01+ | Development not permitted [3] | Development not permitted [3] |
| <p>Notes: [1] Minimum lot size as finally approved. [2] Maximum setback for single-family dwelling structures - 150 feet from public or private street. [3] Development on slopes of greater than 30 percent is not permitted unless, after review and recommendation by the Planning Commission and approval by the City Council, it is determined that: (a) Appropriate engineering measures will be taken to minimize the impact of cuts, fills, erosion and stormwater runoff consistent with the purpose of this section; and (b) The developer has taken reasonable steps to minimize the amount of hillside cuts and also has taken measures to mitigate the aesthetic impact of cuts through landscaping or other steps.</p> | | |

| Table 21.06-2: Minimum Width and Maximum Density for Hillside Development: Multiple Dwelling Units | | |
|---|-------------------------------|--|
| Average Slope of Development Area (%) | Minimum Lot Width (ft) | Maximum Density |
| 0 - 10 | See existing zone | See existing zone |
| 10.01 - 20 | 100 | Maximum density of underlying zone x 0.80 unless clustered |

Table 21.06-2: Minimum Width and Maximum Density for Hillside Development: Multiple Dwelling Units

| Average Slope of Development Area (%) | Minimum Lot Width (ft) | Maximum Density |
|--|-------------------------------|--|
| 20.01 – 30 | 100 | Maximum density of underlying zone x 0.60 unless clustered |
| 30.01+ | Development not permitted [1] | Development not permitted [1] |
| <p>Notes:</p> <p>[1] Development on slopes of greater than 30 percent is not permitted unless, after review and recommendation by the Planning Commission and approval by the City Council, it is determined that: (a) Appropriate engineering measures will be taken to minimize the impact of cuts, fills, erosion and stormwater runoff consistent with the purpose of this section; and (b) The developer has taken reasonable steps to minimize the amount of hillside cuts and also has taken measures to mitigate the aesthetic impact of cuts through landscaping or other steps.</p> | | |

(4) Cluster Development

Property with slopes in excess of 20 percent may be clustered on the portion of the site with slopes less than 20 percent per GJMC 21.06.010(f)(4).

(5) Determination of Slope and Slope Areas

- (i) Slope shall be determined on a parcel-by-parcel basis if the slope is not generally uniform.
- (ii) The Director may allow some incursion hillside disturbance between slopes. Such incursions shall not exceed 20 feet unless, upon recommendation of the Planning Commission, the City Council finds that a greater incursion is consistent with the purposes of this section.
- (iii) All property with a slope greater than 30 percent shall be excluded from the calculation of development area for purposes of determining hillside disturbance and density/intensity limitations.
- (iv) Natural slope delineation for the purposes of this section shall be determined as follows:
 - (A) Contour intervals, maps and calculations required to determine the natural slope shall be prepared by the applicant and shall be submitted with the development application.
 - (B) Contour maps shall be prepared and certified by a licensed professional engineer or licensed surveyor showing contours at intervals no greater than two feet (the contour map).
 - (C) A qualified professional shall prepare all reports, documents, maps, reports, and calculations. The basis of the information used/analyzed shall be conspicuously disclosed thereon. Each report shall include a current statement of the professionals’ certifications, credentials, and qualifications to prepare the report.

- (D) The Director may require that the applicant perform a field survey to verify the accuracy of the contour lines shown on the contour map.
- (E) The contour map shall identify profile lines, which shall be used for performing the field survey. Profile lines shall be perpendicular to contour lines and in no case occur at intervals greater than 150 feet apart or 75 feet from a property line.

(6) Determination of Slope Areas/Density Calculation

Using the field survey, slopes shall be calculated in horizontal intervals no greater than 40 feet. Points identified as slopes, as listed above, shall be located on the contour map and connected by a continuous line. The area bounded by the lines and intersecting property lines shall be used for determining dwelling unit density.

(7) Street Design

TEDS (GJMC Title 29) shall apply to all hillside development, except that streets, roads, driveways, and other vehicular routes shall not traverse property that has a slope greater than 30 percent. The Planning Commission may recommend and the City Council may approve vehicular routes on slopes greater than 30 percent when:

- (i) Appropriate engineering measures will be taken to minimize the impact of cuts, fills, erosion, and stormwater runoff consistent with the purposes of this section; and
 - (ii) The site design minimizes the amount of hillside cuts and includes measures to mitigate the aesthetic impact of cuts through the use of landscaping and other mitigation measures.
- (A) Existing vegetation, where streets are to be located, shall be preserved to the greatest extent possible. As much as possible street alignment should follow the natural terrain.
 - (B) The Director may recommend and the Planning Commission may approve the waiver of sidewalk construction when sidewalk construction would result in excessive grading and/or cut/fill of slopes.
 - (C) Vertical or drive-over, curb and gutter, as determined by the Director, shall be installed along all public streets.

(8) Joint Development Applications

Multiple owners of hillside property, whether or not such property is contiguous, may file a joint development application for all such property or the City Council may direct the Director to file such an application on behalf of the City.

- (i) For all purposes of this section, hillside property shall be treated as a single development parcel.
- (ii) Development permitted on hillside property, pursuant to this section, may be clustered on any one or more of the parcels under such joint application subject to the requirements and limitations of this section. The provisions of this section shall not allow variance in the use requirements of the underlying and existing zoning category

for the receiving parcel and may not result in a violation of the purposes of these regulations.

(g) Ridgeline Development

(1) Purpose

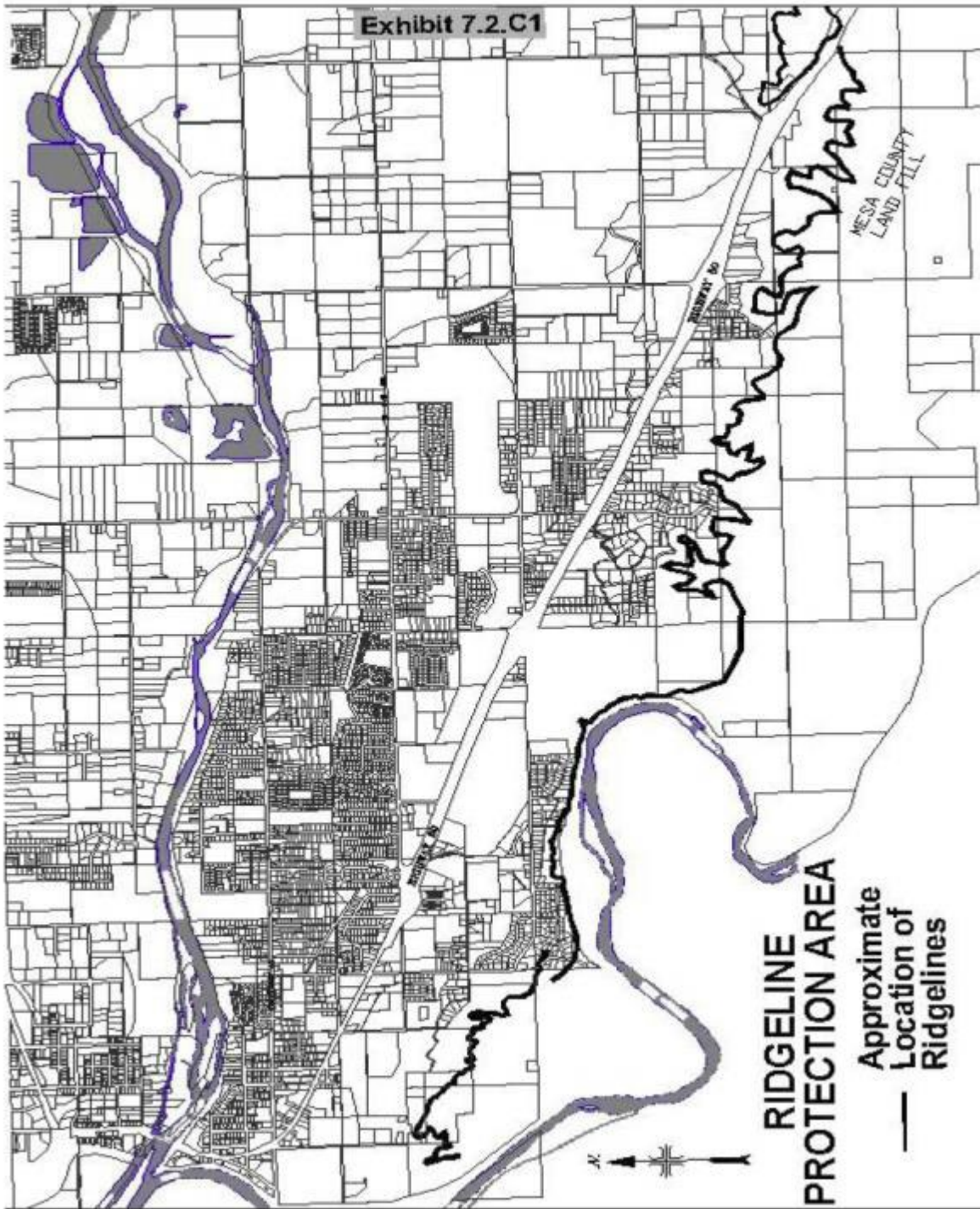
The City recognizes the value of its visual resources and amenities. The purpose of the ridgeline development standards is to preserve the character of the identified ridgelines and to minimize soil and slope instability and erosion.

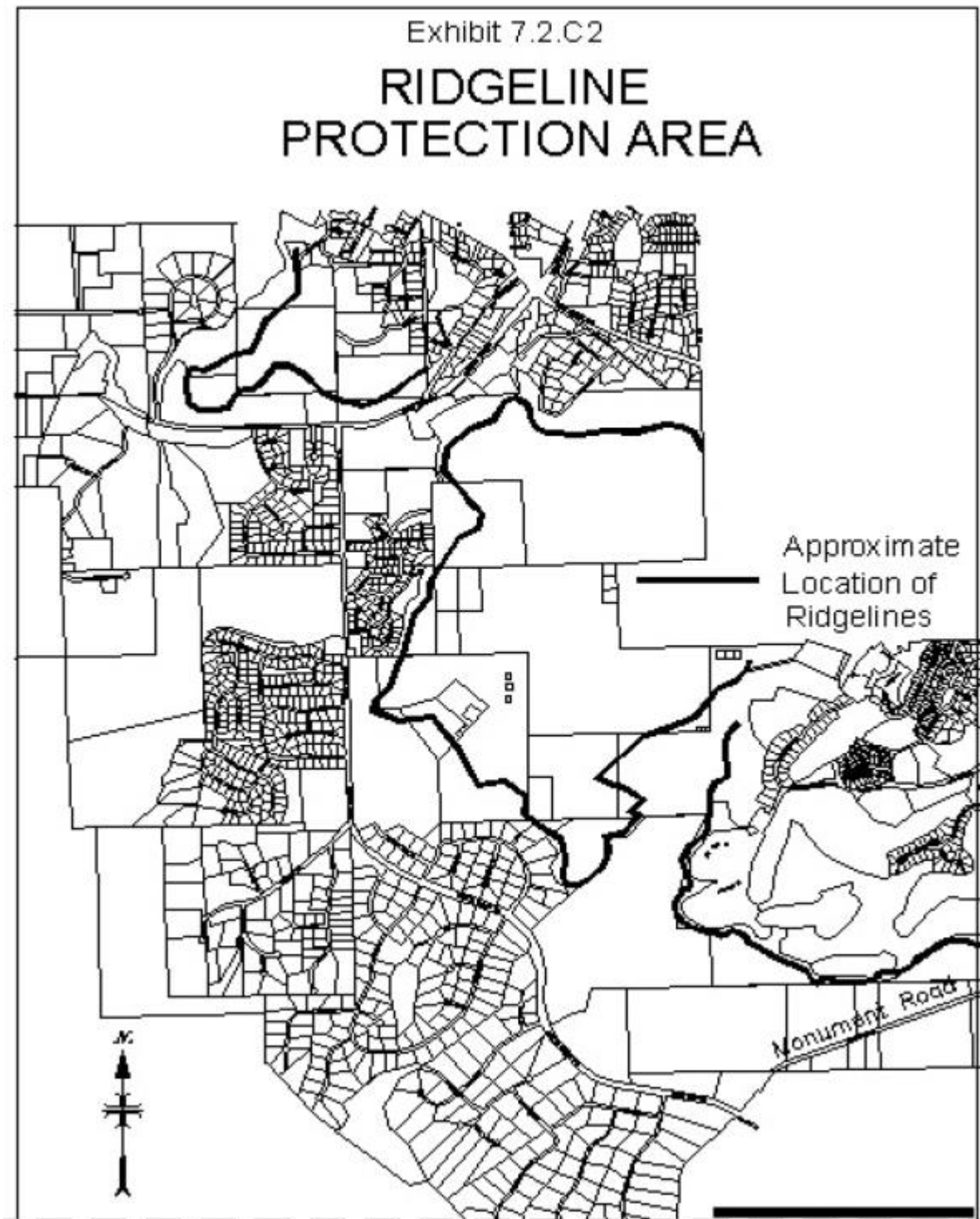
(2) Ridgeline Setback

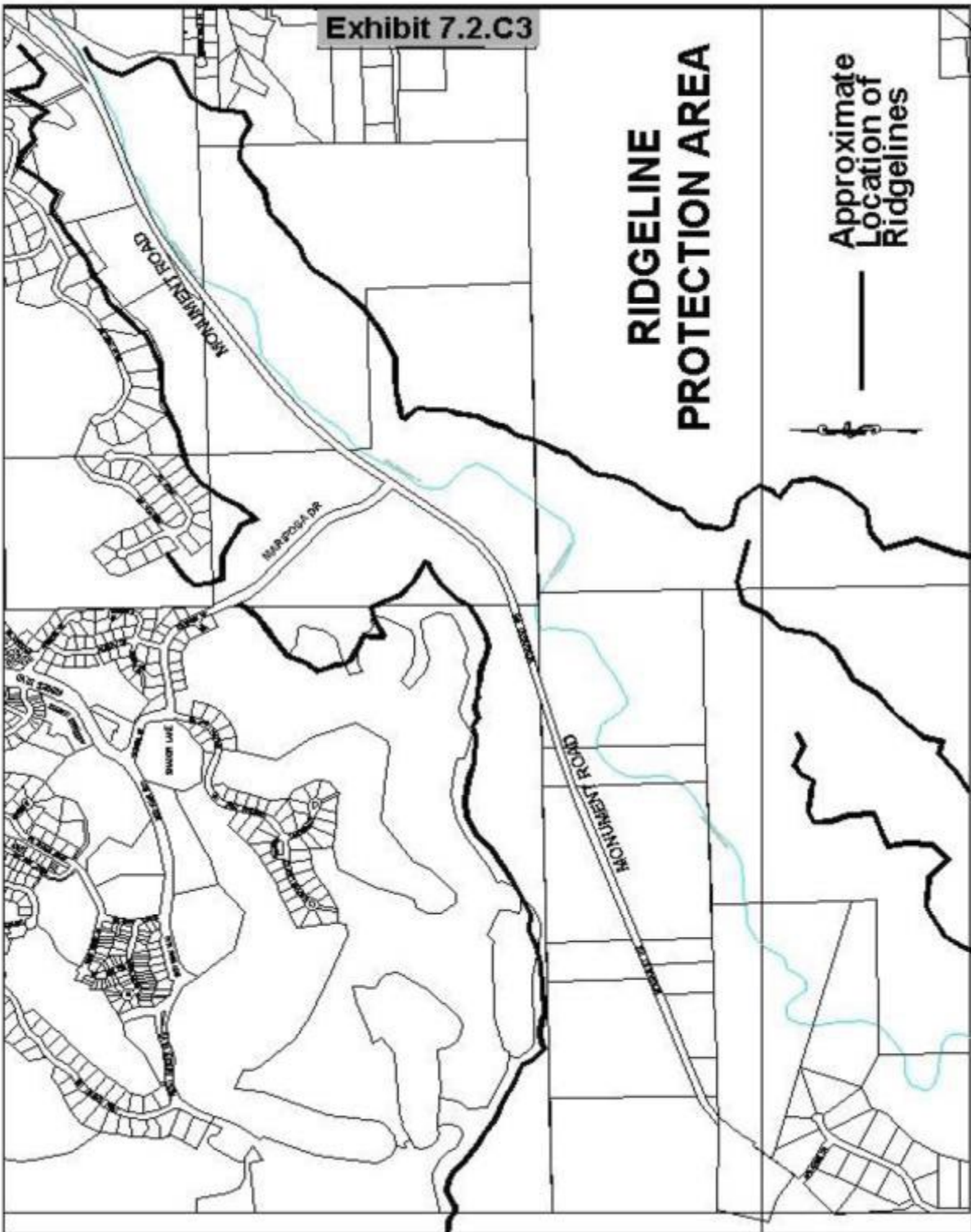
- (i) For all lots platted within the mapped ridgeline protection area shown on Exhibits 7.2.C1, 7.2.C2 and 7.2.C3, buildings, fences and walls shall be set back a minimum of 200 feet from the ridgeline except as follows:
 - (A) This section does not apply to existing structures or lots platted prior to the Effective Date or to fences constructed primarily of wire.
 - (B) This setback can be reduced to a minimum of 30 feet if the applicant produces adequate visual representation that a proposed new structure will not be visible on the skyline from public view, or that mitigation will be provided. Mitigation techniques might include:
 - a. Earth tone colors to blend with the surrounding area;
 - b. The use of nonreflective materials;
 - c. Vegetation to screen and soften the visual impact of the structure; and/or
 - d. A reduction of building height or the “stepping” of the building height; or
 - e. Other means that minimize the appearance from the road corridor.
- (ii) The required setback shall be measured to the building envelope, to be established at the time of platting.

(3) Measurements

- (i) View impact shall be measured by a straight line measuring the line of sight between any public view, public road, or public area and the ridgeline protection area.
- (ii) Ridgeline shall be determined on a site-specific basis and shall be that point at which the line of sight is tangent with the slope profile.







(h) Natural Resources

- (1) Natural resources, especially mineral resources, shall be protected. In the event that development is proposed in an area of known mineral deposits, the applicant shall provide an estimate of the economic value of the on-site mineral resources.
- (2) This estimate shall be prepared by a registered engineer and submitted prior to approval of development.
- (3) The City Council shall make an evaluation of the value of both the resource and the cost of extraction prior to development of the property. The City Council may delay development approval until extraction has been accomplished or protection provided within the design of the development.

(i) Geologic Hazard Maps

- (1) The Colorado Geological Survey (CGS) has identified geologic hazard areas. The CGS maps, together with explanatory text, references and supporting and supplemental studies, results and findings delineating the boundaries of geologic hazard areas are incorporated into this Code by reference.
- (2) The CGS maps approximate the boundaries of hazard areas. The maps shall primarily provide notice to the Director, Planning Commission, City Council, and the applicant, that geologic hazards may exist and if so require consideration prior to and if approved, during development. Precise boundaries and determination of hazard require on-site evaluation by qualified professionals. The Director may require a detailed engineering analysis, study and/or report if a hazard is known or reasonably believed to exist. The engineering analysis, study and/or report, if required, may, as determined by the Director, be required to include a map of the extent of the hazard, a definition of its degree of severity, a determination of the frequency of occurrence/reoccurrence, an evaluation of the compatibility of the proposed land use and consideration of the means and methods of hazard mitigation.
- (3) Hazard mitigation is not intended to categorically preempt development but development may occur only if mitigation is appropriate and proportionate to the severity and frequency of the hazard.
- (4) Mitigation techniques, which may be acceptable, are:
 - (i) Avoidance of the hazard area;
 - (ii) Retaining walls, fill, rock bolting, pilings;
 - (iii) Diversion, channeling, damming, barriers;
 - (iv) Excavation of unstable areas, bridging of weak zones, proper distribution of loading;
 - (v) Improvement of surface and subsurface drainage.
- (5) Mitigation plans shall be prepared and stamped by a Colorado registered, professional engineer.

(j) Environmental Audit

A Phase I environmental audit shall be required for any property dedicated or deeded to the City. The City may require additional investigation.

21.06.020 FLOOD DAMAGE PROTECTION

(a) Purpose

Flood damage prevention regulations promote the public health, safety and general welfare and minimize public and private losses due to flooding. The regulations are designed to:

- (1) Protect human life and health;
- (2) Minimize expenditure of public money for costly flood control projects;
- (3) Minimize the need for rescue and relief efforts associated with flooding;
- (4) Minimize prolonged business interruptions;
- (5) Minimize damage to critical facilities, infrastructure and other public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets, and bridges;
- (6) Help maintain a stable tax base by providing for the sound use and development of areas of special flood hazard so as to minimize future flood blight areas;
- (7) Ensure that potential buyers are notified that property is in an area of special flood hazard; and
- (8) Ensure that those who occupy the areas of special flood hazard assume responsibility for their actions.

(b) Methods and Provisions for Flood Damage Prevention

In order to accomplish its purposes, this section includes methods and provisions for:

- (1) Restricting or prohibiting uses which are dangerous to health, safety and property because of water or erosion hazard;
- (2) Restricting or prohibiting uses which result in damaging increases in erosion or in flood heights or velocities;
- (3) Requiring that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;
- (4) Controlling the alteration of natural floodplains, stream channels and natural protective barriers which help accommodate or channel flood waters;
- (5) Controlling filling, grading, dredging and other practices which may increase flood damage; and
- (6) Preventing or regulating the construction of flood barriers which will unnaturally divert floodwaters or which may increase flood hazards in other areas.

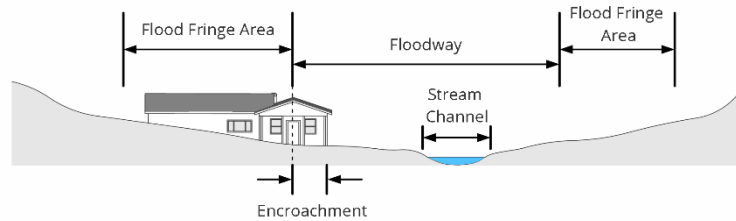


Figure 06.02-1 Areas of Special Flood Hazard

(c) General Provisions

This section applies to all areas of special flood hazard and areas removed from the floodplain by the issuance of a Federal Emergency Management Agency (FEMA) Letter of Map Revision Based on Fill (LOMR-F) within the City.

(1) Basis for Establishing the Areas of Special Flood Hazard

FEMA has identified areas of special flood hazard in a scientific and engineering report entitled, "The Flood Insurance Study for Mesa County and Incorporated Areas," dated October 16, 2012. The study together with the Flood Insurance Rate Maps (FIRMs) are hereby adopted by reference and declared to be a part of this Code. The FIRMs may be superseded by local engineering studies approved by the Director, provided such studies fully describe and analyze, based on the FIRMs and generally accepted engineering practice, design floodwater build-out conditions.

(2) Compliance

No structure shall be constructed, located, extended, converted, or altered without full compliance with the terms of this section and other applicable regulations. No land shall be developed without full compliance with the terms of this section and other applicable regulations. For waterways with base flood elevations (BFEs) for which a regulatory floodway has not been designated, no new construction, substantial improvements, or other development (including fill) shall be permitted within Zones A1-30 and AE on the City's FIRMs, unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one-half foot at any point within the City. Under the provisions of 44 CFR Chapter 1, Section 65.12, of the NFIP regulations, the City may approve certain development in Zones A1-30, AE, AH, on the City's FIRM which increases the water surface elevation of the base flood by more than one-half foot; provided, that a conditional FIRM revision through FEMA (Conditional Letter of Map Revision), fulfills the requirements for such revisions as established under the provisions of Section 65.12 and receives FEMA approval.

(3) Relationship to Existing Restrictions

This section does not and it is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. If this section and another ordinance, easement, covenant, or deed restriction conflict or overlap, whichever imposes the more stringent restrictions on use and development shall prevail and be applied.

(4) Terms and Provisions

All terms and provisions of this section shall be:

- (i) Considered as minimum requirements;
- (ii) Liberally construed in favor of the City; and
- (iii) Deemed neither to limit nor repeal any other powers granted or reasonably construed or interpreted under law, charter, rule or regulation.

(5) Warning and Disclaimer of Liability

The degree of flood protection required by this section is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur. Flood heights may be increased because of manmade or natural causes. This section does not imply that land outside the areas of special flood hazard or uses permitted within such areas will be free from flooding or flood damages. This section shall not create liability on the part of the City, or any officer or employee thereof, or FEMA for any flood damage that results from reliance on this section or any administrative decision lawfully made hereunder.

(6) Flood Carrying Capacity

The flood carrying capacity within an altered or relocated portion of any watercourse shall be maintained.

(7) Records

The Director shall maintain records obtained as part of a Floodplain Development Permit, including but not limited to the lowest floor and floodproofing elevations for new and substantially improved construction.

(8) Riverine

In riverine situations, notice shall be given by the Director to an adjacent community(ies) prior to any alteration or relocation of a watercourse.

(d) Provisions for Flood Hazard Reduction

(1) General Standards

The following standards shall apply to all property located in special flood hazard areas:

(i) Anchoring

- (A) All new construction and substantial improvement shall be anchored to prevent flotation, collapse, or lateral movement of the structure and as anchored must be capable of resisting the hydrostatic and hydrodynamic loads.

- (B) All manufactured homes shall be elevated and anchored to resist flotation, collapse, or lateral movement and as anchored is capable of resisting the hydrostatic and hydrodynamic loads. Methods of anchoring may include, but are not limited to, over the top or frame ties to ground anchors. This requirement is in addition to applicable state and local anchoring requirements for resisting wind forces. Specific requirements may be:
 - a. Over the top ties provided at each of the four corners of the manufactured home, with two additional ties per side at intermediate locations, with manufactured homes less than 50 feet long requiring one additional tie per side;
 - b. Frame ties provided at each corner of the home with five additional ties per side at intermediate points, with manufactured homes less than 50 feet long requiring four additional ties per side;
 - c. Each component of the anchoring system shall be capable of carrying a force of 4,800 pounds; and
 - d. Any addition to the manufactured home shall be similarly anchored.

(ii) Construction Materials and Methods

- (A) All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.
- (B) All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage.
- (C) All new construction and substantial improvements shall be constructed with electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during flooding.

(iii) Utilities

- (A) All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the system;
- (B) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of floodwaters into the systems and discharge from the systems into floodwaters; and
- (C) On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

(iv) Subdivision Proposals

- (A) All subdivision proposals shall be consistent with the need to minimize flood damage;

- (B) All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage;
- (C) All subdivision proposals shall have adequate drainage provided to reduce exposure to flood damage; and
- (D) BFE data shall be provided for subdivision proposals and other proposed development which contain at least 50 lots or five acres (whichever is less).

(2) Specific Standards

The following provisions, as determined from BFE data, are required for all special flood hazard areas:

(i) New Construction and Substantial Improvements

- (A) New construction and substantial improvement of any residential structure shall have the lowest floor (including basement) elevated at least one foot above the BFE.
- (B) New construction and substantial improvement of any commercial, industrial, or other nonresidential structure shall either have the lowest floor (including basement) elevated at least one foot above the level of the BFE; or, together with attendant utility and sanitary facilities, shall:
 - a. Be flood-proofed so that below the BFE the structure is watertight with walls being substantially impermeable to the passage of water;
 - b. Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy; and
 - c. Be certified by a Colorado registered professional engineer. The certification shall state that the design and methods of construction are in accordance with accepted standards of practice and meet the minimum provisions of this Code. Such certifications shall be provided to and reviewed by the Director.

(ii) Openings in Enclosures Below the Lowest Floor

For all new construction and substantial improvements, fully enclosed areas below the lowest floor that are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement shall be certified by either a Colorado registered professional engineer or architect and must meet or exceed the following minimum criteria:

- (A) A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided;
- (B) The bottom of all openings shall be no higher than one foot above grade;

- (C) Openings may be equipped with screens, louvers, or other coverings or devices; provided that they permit the automatic entry and exit of floodwaters.

(iii) Manufactured Homes

- (A) All manufactured homes that are placed and/or substantially improved on a site:
 - a. Outside of a manufactured home subdivision;
 - b. In a new manufactured home park or manufactured home subdivision;
 - c. In an expansion to an existing manufactured home park or manufactured home subdivision; or
 - d. On an existing manufactured home park or manufactured home subdivision on which a manufactured home has incurred substantial damage as a result of a flood;
- (B) Shall be anchored and elevated on a permanent foundation such that the lowest floor of the manufactured home is at least one foot above the BFE;
- (C) The manufactured home shall be securely anchored to an anchored foundation system in order to resist flotation, collapse, and lateral movement; and
- (D) Manufactured homes that are placed or substantially improved on sites in existing manufactured home parks or manufactured home subdivisions that are not subject to the provisions of this subsection shall be elevated so that either:
 - a. The lowest floor of the manufactured home is at least one foot above the BFE; or
 - b. The manufactured home frame or chassis is supported by reinforced piers or other foundation elements that are no less than 36 inches in height above grade and securely anchored to an anchored foundation system in order to resist flotation, collapse, and lateral movement.

(iv) Recreational Vehicles

Recreational vehicles occupied as a temporary dwelling in a special flood hazard area shall meet all of the following requirements or meet permit requirements, elevation, and anchoring requirements for manufactured homes:

- (A) Be on the site for fewer than 180 consecutive days;
- (B) Be fully licensed and ready for highway use;
- (C) Be attached to the site only by quick disconnect type utilities and security devices; and
- (D) Include no permanently attached additions.

(3) Specific Standards for Areas of Shallow Flooding

Specific standards are required for special flood hazard areas associated with base flood depths of one to three feet where a clearly defined channel does not exist and where the

path of flooding is unpredictable and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow; therefore, the following provisions apply:

(i) Residential Construction

All new construction and substantial improvements of residential structures must have the lowest floor (including basement) elevated above the highest adjacent grade at least one foot above the depth number specified in feet on the City's FIRM (at least three feet if no depth number is specified). Upon completion of the structure, the elevation of the lowest floor, including basement, shall be certified by a registered Colorado professional engineer.

(ii) Nonresidential Construction

(A) With the exception of critical facilities, all new construction and substantial improvements of nonresidential structures must have the lowest floor (including basement) elevated above the highest adjacent grade at least one foot above the depth number specified in feet on the City's FIRM (at least three feet if no depth number is specified), or together with attendant utility and sanitary facilities be designed so that the structure is watertight to at least one foot above the base flood level with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads of effects of buoyancy. A registered Colorado professional engineer or architect shall submit a certification which shall state that the design and methods of construction are in accordance with accepted standards of practice and meet the minimum provisions of this Code.

(B) Within Zones AH or AO, adequate drainage paths around structures on slopes are required to guide floodwaters around and away from proposed structures.

(4) Specific Standards for Floodways

A floodway is an area within a special flood hazard area. The floodway is extremely hazardous due to the velocity of floodwaters, debris, and erosion potential. To mitigate those hazards the following provisions apply:

- (i) Encroachments, including fill, new construction, substantial improvements, and other development are prohibited unless a Colorado registered professional engineer certifies in writing with a no-rise certificate that encroachments will not result in any increase in flood levels during the occurrence of the base flood discharge. The supporting technical data for the no-rise certificate shall be based on the standard step-backwater computer model used to develop the 100-year floodway shown on the FIRM or Flood Boundary and Floodway Map (FBFM), unless otherwise approved by the Director.
- (ii) All new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of this section.

(5) Specific Standards for Alteration of a Watercourse

For all proposed developments that alter a watercourse within a special flood hazard area, the following standards apply:

- (i) Channelization and flow diversion projects shall appropriately consider issues of sediment transport, erosion, deposition, and channel migration and properly mitigate potential problems through the project as well as upstream and downstream of any improvement activity. A detailed analysis of sediment transport and overall channel stability should be considered, when appropriate, to assist in determining the most appropriate design.
- (ii) Channelization and flow diversion projects shall evaluate the residual 100-year floodplain.
- (iii) Any channelization or other stream alteration activity proposed by a project proponent must be evaluated for its impact on the regulatory floodplain and be in compliance with all applicable federal, state and local floodplain rules, regulations and ordinances.
- (iv) Any stream alteration activity shall be designed and sealed by a registered Colorado professional engineer or certified professional hydrologist.
- (v) All activities within the regulatory floodplain shall meet all applicable federal, state, and City floodplain requirements and regulations.
- (vi) Within the regulatory floodway, stream alteration activities shall not be constructed unless the project proponent demonstrates through a floodway analysis and report, sealed by a registered Colorado professional engineer, that there is not more than a 0.00-foot rise in the proposed conditions compared to existing conditions floodway resulting from the project, otherwise known as a no-rise certification.
- (vii) Maintenance shall be required for any altered or relocated portions of watercourses so that the flood-carrying capacity is not diminished.

(6) Specific Standards for Properties Removed From the Floodplain by Fill

A Floodplain Development Permit shall not be issued for the construction of a new structure or addition to an existing structure on a property removed from the floodplain by the issuance of a FEMA Letter of Map Revision Based on Fill (LOMR-F), with a lowest floor elevation placed below the base flood elevation with one foot of freeboard that existed prior to the placement of fill.

(7) Specific Standards for Critical Facilities

A critical facility is a structure or related infrastructure, but not the land on which it is situated, as classified below, that if flooded may result in significant hazards to public health and safety or interrupt essential services and operations for the City at any time before, during and after a flood.

(i) Classification of Critical Facilities

Critical facilities are classified under the following categories: (a) essential services; (b) hazardous materials; (c) at-risk populations; and (d) vital to restoring normal services.

- (A) Essential services facilities include public safety, emergency response, emergency medical, designated emergency shelters, communications, public utility plant facilities, and transportation lifelines.
- a.** These facilities consist of:
1. Public safety (police stations, fire and rescue stations, emergency vehicle and equipment storage, and emergency operation centers);
 2. Emergency medical (hospitals, ambulance service centers, urgent care centers having emergency treatment functions, and non-ambulatory surgical structures but excluding clinics, medical offices, and nonurgent care medical structures that do not provide these functions);
 3. Designated emergency shelters;
 4. Communications (main hubs for telephone, broadcasting equipment for cable systems, satellite dish systems, cellular systems, television, radio, and other emergency warning systems, but excluding towers, poles, lines, cables, and conduits);
 5. Public utility plant facilities for generation and distribution (hubs, treatment plants, substations, and pumping stations for water, power, and gas, but not including towers, poles, power lines, buried pipelines, transmission lines, distribution lines, and service lines); and
 6. Air transportation lifelines [airports (municipal and larger)], helicopter pads and structures serving emergency functions, and associated infrastructure (aviation control towers, air traffic control centers, and emergency equipment aircraft hangars).
- b.** Specific exemptions to this category include wastewater treatment plants (WWTP), non-potable water treatment and distribution systems, and hydroelectric power generating plants and related appurtenances.
- c.** Public utility plant facilities may be exempted if it is demonstrated to the satisfaction of the Director that the facility is an element of a redundant system for which service will not be interrupted during a flood. At a minimum, it shall be demonstrated that redundant facilities are available (either owned by the same utility or available through an intergovernmental agreement or other contract) and connected, the alternative facilities are either located outside of the 100-year floodplain or are otherwise compliant with all floodplain regulations, and an operations plan is in effect that states how redundant systems will provide service to the affected area in the event of a flood. A development approval includes the condition that evidence of ongoing redundancy be provided to the Director upon the Director's request.
- (B) Hazardous materials facilities include facilities that produce or store highly volatile, flammable, explosive, toxic and/or water-reactive materials.

These facilities include:

- a. Chemical and pharmaceutical plants (chemical plant, pharmaceutical manufacturing);
- b. Laboratories containing highly volatile, flammable, explosive, toxic and/or water-reactive materials;
- c. Refineries;
- d. Hazardous waste storage and disposal sites; and
- e. Above ground gasoline or propane storage or sales centers.

(C) At-risk population facilities include medical care, congregate care, and schools.

These facilities consist of:

- a. Elder care (nursing homes);
- b. Congregate care serving 12 or more individuals (day care and assisted living);
- c. Public and private schools (pre-schools, K-12 schools, before-school, and after-school care serving 12 or more children);

(D) Facilities vital to restoring normal services including government operations.

a. These facilities consist of:

- 1. Essential government operations (public records, courts, jails, building permitting and inspection services, community administration and management, maintenance, and equipment centers);
- 2. Essential structures for public colleges and universities (dormitories, offices, and classrooms only).

b. These facilities may be exempted if it is demonstrated to the Director that the facility is an element of a redundant system for which service will not be interrupted during a flood. At a minimum, it shall be demonstrated that redundant facilities are available (either owned by the same entity or available through an intergovernmental agreement or other contract), the alternative facilities are either located outside of the 100-year floodplain or are otherwise compliant with all floodplain regulations and an operations plan is in effect that states how redundant facilities will provide service to the affected area in the event of a flood. Evidence of ongoing redundancy shall be provided to the Director on an as-needed basis as determined by the Director upon request.

(ii) Protection for Critical Facilities

All new and substantially improved critical facilities and new additions to critical facilities located within the special flood hazard area shall be regulated to a higher standard than structures not determined to be critical facilities. For the purposes of critical facilities, protection shall include one of the following:

- (A) Location outside the special flood hazard area; or
- (B) Elevation or floodproofing of the structure to at least two feet above the BFE.

(iii) Ingress and Egress for New Critical Facilities

New critical facilities shall, when practicable as determined by the Director, have continuous non inundated access (ingress and egress for evacuation and emergency services) during a 100-year flood event.

(e) Data, Information, and Interpretation

- (1) The Director shall obtain and maintain the following information:
 - (i) The actual elevation, relative to mean sea level, of the lowest floor, including basement, of each structure;
 - (ii) For each new or substantially improved floodproofed structure, the actual elevation, relative to mean sea level, to which the structure has been floodproofed and the required floodproofing certifications;
 - (iii) Proof that an applicant has, prior to altering or relocating any watercourse or part thereof, notified adjacent communities and the Colorado Water Conservation Board of such alteration and demonstrated that there is adequate maintenance within the altered or relocated portion of the watercourse so that the flood-carrying capacity is not diminished. The Director shall also submit evidence of such notification to the Federal Emergency Management Agency.
- (2) The Director shall interpret the Flood Insurance Rate Maps (FIRM) to decide location of the boundaries of the areas of special flood hazard.

Chapter 21.07 Landscaping, Buffering, and Screening

21.07.010 PURPOSE AND GOALS

The purpose of this section is to enhance the aesthetic appeal of new development. Landscaping reduces heat and glare, facilitates movement of traffic within parking areas, shades cars and parking surfaces reducing local and ambient temperatures, buffers, and screens cars from adjacent properties, promotes natural percolation of surface waters, improves air quality, buffers, and screens potentially incompatible uses from one another, and conserves the value of property and neighborhoods within the City.

21.07.020 AUTHORITY

- (a) The Director shall decide all questions of soils, plant selection and care, irrigation installation and other vegetation and landscaping questions, except for trees, shrubs, vines, and evergreens in the right-of-way. The City Forester shall decide all questions of plantings in the right-of-way.
- (b) Variances to this section and appeals of administrative decisions (where this Code gives the Director discretionary authority) shall be referred to the Planning Commission.

21.07.030 GENERAL LANDSCAPE STANDARDS

(a) Compliance

- (1) All landscaping required by this Code shall comply with the standards and requirements of this section.
- (2) The landscaping requirements of this Code shall not apply to a lot zoned for one or two dwelling units.
- (3) Landscaping for new developments shall occur in buffer areas, all interior parking areas, along the perimeter of the property, around new and existing structures, and along street frontages and within any right-of-way not used nor planned to be used for infrastructure.

(b) Plant Quantities

- (1) The amount of landscaping is based on gross area of proposed development.
- (2) When calculating quantities, any fraction is rounded up to the next whole number.

(c) Acceptable Plant Material

(1) Suitable Plant List

- (i) Vegetation must be suitable for Grand Junction's climate and soils and shall be selected from the City of Grand Junction Suitable Plant List. To be maintained by the Director. Applicants may petition the inclusion of plants not found on the Suitable Plant List and shall provide sufficient information about the proposed species to facilitate review. The Suitable Plant List identifies the anticipated water needs of each plant species. The Director may allow the use of any plant if sufficient information is provided to show suitability including salt tolerance, sun and shade requirements

based on planting locations, growth habitat, etc. Noxious or invasive species are not allowed to be planted in development but may be preserved in development.

- (ii) The Director maintains the authority not to approve a plant species that appears on the Suitable Plant List if the Director deems it inappropriate under the planting conditions proposed in a development.
 - (iii) A minimum 25 percent of the proposed shrubs and ground cover shall be identified as native or native alternative on the Suitable Plants List.
 - (iv) A minimum 90 percent of the proposed shrubs and ground cover shall be identified as xeric, xeric-low, xeric-medium, or low water on the Suitable Plants List.
 - (v) A minimum of 50 percent of proposed tree plantings shall have a preferred New Planting status on the Suitable Plants List.
 - (vi) No more than 15 percent of the proposed trees shall have a limited status on the Suitable Plants List.
- (2) Plant materials shall meet or exceed the plant quality and species standards of the current American Standard for Nursery Stock and be consistent with the Colorado Nursery Act.
 - (3) All plants proposed for installation shall be selected, spaced, and planted appropriately based upon their adaptability to the climatic, geologic. And topographical conditions of the project site.
 - (4) Turf not meeting the definition of functional turf shall not exceed 15 percent of any required landscaping area in the City of Grand Junction. Functional turf may exceed the 15 percent maximum.

(d) Minimum Plant Sizes

All plants shall meet the following minimum plant sizes when installed.

| Table 21.07-1: Minimum Plant Sizes | |
|--|--------------------------------------|
| Planting Type | Size at Time of Planting |
| Shade Tree | Two caliper inches [1] |
| Ornamental Tree | One-and-one-half caliper inches |
| Evergreen Tree | Two caliper inches and six feet tall |
| Shrub | #5 Container |
| Perennial | #1 Container |
| Groundcover | #1 Container |
| Turf [2] | As seed, by plug, or as sod roll |
| <p>Notes:</p> <p>[1] If two caliper inch shade trees are not available due to seasonal shortages or shortages in desired varieties, the Director may approve the installation of smaller trees, provided the proportional difference in caliper inches is compensated for by installing additional trees. However, a minimum caliper of one and one-half inches shall be required.</p> <p>[2] Turf mix, native grasses and wild flower mix are the only vegetation that may be planted as seed or by plugs. Turf may be planted as sod rolls.</p> | |

(e) Plant Diversity

(1) Tree Diversity

The percent of any one type of tree that can be planted in a development shall be as follows:

- (i) Zero through five trees: No limitation.
- (ii) Six to ten trees: No more than 50 percent of one genus.
- (iii) Eleven to twenty trees: No more than 33 percent of one genus
- (iv) Twenty-one or more trees: No more than 20 percent of one genus.

(2) Shrub Diversity

The percent of any one type of shrub that can be planted in a development shall be as follows:

- (i) 10 through 19 shrubs: 50 percent per genus.
- (ii) 20 through 39 shrubs: 33 percent per genus.
- (iii) 40 or more shrubs: 25 percent per genus.

(f) Trees

- (1) Tree canopies may overlap by up to 30 percent of the diameter of the tree at maturity. Tree clustering may be allowed with some species so long as clustering does not adversely affect the mature canopy.
- (2) Trees which will grow to a height of greater than 25 feet at maturity shall not be planted under overhead electrical lines.
- (3) Ornamental trees shall be planted in a landscape strip that is no less than six feet in width (not including curb and gutter).
- (4) Shade trees shall be planted in a landscape strip that is no less than eight feet in width (not including curb and gutter).
- (5) Trees shall not be planted near a light pole if eclipsing of light will occur at maturity. Placing light poles in the parking lot, away from landscape areas and between parking bays, helps eliminate this conflict and should be considered.

(g) Landscaping Requirements

| Table 21.07-2: Landscaping Requirements | |
|--|--|
| Development Procedure and Zoning or Use of Proposed Development | Landscape Requirement |
| Major Subdivision | As required in subsections of this section where applicable |
| Major Site Plan: R-R, R-ER, R-1R, R-2R, RL-4, RL-5, RM-8, RM-12, RH-16, RH-24, MU-1, MU-2, MU-3, CG, I-OR, P-1, P-2 | Two caliper inches of tree per 3,000 square feet of improved area, with no more than 40 percent of the total being ornamental trees or evergreens. One #5 container shrub per 450 square feet of improved area |

| Table 21.07-2: Landscaping Requirements | |
|--|--|
| Development Procedure and Zoning or Use of Proposed Development | Landscape Requirement |
| Major Site Plan: I-1, I-2 | As required in subsections of this section where applicable |
| Facilities: Mining and extraction, dairy operations or feedlot, vineyard, airport or heliport, commercial pasture | Two caliper inches of tree per 5,000 square feet of improved area. One #5 container shrub per 600 square feet of improved area |

(h) Irrigation

All vegetation and landscaped areas must be provided with a permanent irrigation system, which may include a system supplied by water from an approved graywater treatment works.

- (1) An underground pressurized irrigation system and/or drip system is required for all landscape areas.
- (2) Non-potable irrigation water shall be used if available for the proposed development area.
- (3) All irrigation for non-potable irrigation water systems must have adequate filters easily accessible above ground or within an appropriately sized valve box.
- (4) If connected to a potable water system, all irrigation systems require state-approved backflow prevention devices.
- (5) Native grasses must have a permanent irrigation source that is zoned separately from higher water demand landscapes. Once the grasses are established, irrigation to native grass areas can be reduced to a level that maintains coverage typical of the grass mix and to suppress weed growth.
- (6) Irrigation applied to trees shall be expanded or supplemented as appropriate to rootzone expansion over the life of the tree.

(i) Landscape Plans

- (1) All applications for development shall identify the required landscaped areas and include a landscape plan in accordance with the requirements in this section.

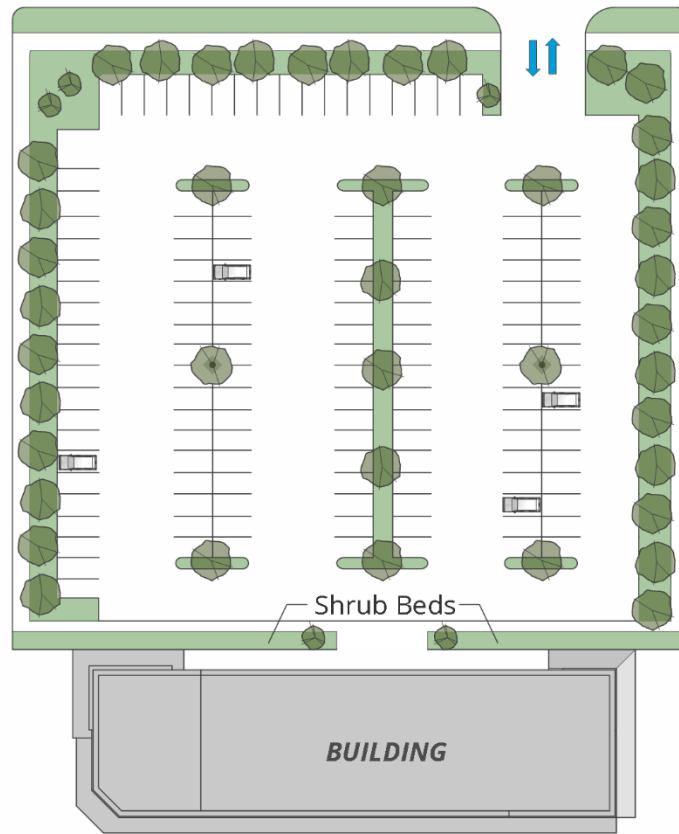


Figure 07.03-1 Landscape Plan Example

- (2) Landscape plans shall identify all attributes of vegetation included on the Suitable Plants List.
- (3) Landscape plans shall include calculations of required landscaping, provided landscaping, and compliance with Acceptable Plant Material and Minimum Plant Sizes as identified in this section.
- (4) Tree protection measures shall be clearly identified on the construction and landscape plans.
- (5) Wall and fence elevations and typical cross sections must be submitted with the landscape plan at a minimum scale of one-half inch equals one foot.
- (6) Landscape plans shall be stamped by a landscape architect licensed in the State of Colorado. Inspection and compliance with approved landscape plan must be certified by a licensed landscape architect prior to issuance of a certificate of occupancy, or the release of DIA security funds.
 - (i) A licensed landscape architect is not required to produce landscape plans if the plans are submitted for a Minor Site Plan review unless required by state statute. All other requirements continue to apply to landscaping for Minor Site Plans.

- (7) All landscape plans shall include an irrigation plan. Irrigation plans shall be certified by an irrigation design professional who has been certified through the Irrigation Association (CID), or a similar EPA WaterSense labeled certification program.
 - (i) This certification will be required on all irrigation plans no later than three years after December 21, 2022. The irrigation plan shall also comply with the standards in the Submittal Standards for Improvements and Development (SSID) manual.
- (8) Utility composite plans must be submitted with landscape plans.
- (9) Expansion of a developed site as defined in GJMC 21.02.050(f)(5)(i) that requires a Site Plan Review shall require a landscaping plan and correction of nonconforming landscaping as provided in GJMC 21.12.040.
- (10) An equivalent species may be substituted in the field without prior written approval of the Director. Plants are "equivalent" if they have the same growth habit and rate, same cover, leafing, shade characteristics and function, have similar water requirements as identified as the City of Grand Junction Suitable Plants List, and thrive in the same microclimate, soils, and water conditions.
 - (i) All other changes to the landscape plan require prior written approval from the Director.

(j) Protection of Landscape Areas

All landscape areas (except in the right-of-way where a street side curb does not exist) shall be protected from vehicles through the use of concrete curbing, large rocks, or other similar obstructions.

(k) Utility Lines

If the location of utilities conflicts with the landscaping provisions, the Director may approve an equivalent alternative.

(l) Sight Distance

The owner shall maintain all vegetation, fences, walls, and berms so that there is no sight distance hazard nor road or pedestrian hazard. See TEDS (GJMC Title 29).

(m) Soil and Planting Beds

Soil in landscape areas must be amended and all vegetation planted in accordance with good horticultural practices.

- (1) Details for the planting of trees, shrubs and other vegetation must be shown on the landscaping plans.
- (2) Shrub beds adjacent to turf or native grass areas are to be edged with concrete, metal, brick, or substantial wood material. Plastic and other light duty edgings are not allowed.
- (3) Organic mulch to a minimum of three inches is required for all shrub beds.
- (4) Prior to planting, compacted soils shall be transformed to a friable condition.
- (5) Compost, soil amendments, or retained topsoil shall be incorporated into the soil to a

(n) Planting Standards

- (1) All landscaping shall be installed, maintained, and protected as shown on the approved plan.
- (2) The minimum area for planting an evergreen or deciduous shrub is 16 square feet.
- (3) Trees
 - (i) The minimum square footage of planting area for a shade tree is 140 square feet.
 - (ii) Weed fabric shall not be used within eight feet of the base of a tree.
 - (iii) At planting, tree shall be healthy and free of disease. Tree trunks must be reasonably straight with minimal doglegs. Roots shall be checked prior to planting and corrected for optimal growth patterns.
 - (iv) Wire baskets, burlap wrappings, rope, twine, or any similar shipping materials shall be removed before planting.
 - (v) Tree planting holes shall be of sufficient depth so that the flare of the tree above the root ball is no higher than one inch above grade.
 - (vi) Tree planting holes shall be of a diameter no less than three times the diameter of the tree's root ball at time of planting.

(o) Maintenance

- (1) The owners, tenants, and occupants, including homeowners' associations, for all new and existing uses in the City must maintain landscaping in a healthy, growing, neat and well-maintained condition:
 - (i) Maintenance includes watering, weeding, pruning, fertilization, pest control, trash and litter removal, replacement of dead or diseased plant material, reseeding, and other reasonable efforts.
 - (ii) Any plant that dies or substantially damaged due to improper maintenance must be replaced with an equivalent live plant within 90 days of plant death or by the next April 1st.
- (2) Hay mulch used during the preparation or establishment of landscaping must be certified weed-free by the Colorado Department of Agriculture.
- (3) The Director may from time to time inspect the condition of landscaping wherever no reasonable expectation of privacy exists.
 - (i) The purpose of such site inspections shall be to verify that all required landscaping has been maintained in a healthy, growing, neat and well-maintained condition. Property owners shall be notified of necessary corrective action for failure to comply with the maintenance provisions of this section.
- (4) Maintenance of landscaping in unimproved rights-of-way shall be the responsibilities of owners, occupants, and tenants.
- (5) Fire hydrants shall not be unobscured by plant material. Fire hydrants shall be visible from the center of the right-of-way at an angle of 45 degrees.

- (6) These requirements shall be specified in the articles of incorporation or bylaws for a homeowners' association whenever the homeowners' association is assigned the responsibility of maintaining landscape areas.

21.07.040 PRESERVATION OF SIGNIFICANT TREES

- (a) This section applies to the following:
 - (1) New residential, mixed-use, and commercial development;
 - (2) Redevelopment as follows:
 - (i) Preservation is required for all lots in MU-3
 - (ii) Preservation is required for lots larger than one acre in all other zone districts unless otherwise exempt.
 - (3) All development in Industrial zone districts is exempt from this section.
- (b) Existing landscape features such as escarpments, large trees or stands, heavy vegetative cover, ponds, and bluffs shall be identified by the applicant as part of the development review process.
 - (1) This identification shall include a surveyed inventory of significant trees. Prior to undertaking a survey, an applicant may have a landscape professional view the site and determine whether there are any potential significant trees on the site. If there are no potentially significant trees on the site, the applicant may request the Director waive the survey requirement.
 - (2) Any significant tree to be preserved during development shall be identified on the proposed landscaping plan.
- (c) All trees, except those identified as 'excluded' on the Suitable Plants List, that meet all of the following criteria as determined by a certified arborist shall be considered significant:
 - (1) Are 15 inches or larger in DBH;
 - (2) Are in fair or better condition;
 - (3) Are free from irreparable structural defects; and
 - (4) Are not infested with a disease or pestilence that threatens the good health of other trees.
- (d) Preservation Required
 - (1) Where significant trees exist on a property, at least one and no less than 30 percent of significant trees shall be preserved during development.
 - (i) Significant trees may be preserved in individual lots or private common areas.
 - (ii) Significant trees may also be preserved in land dedicated for public use while still credited to the site tree preservation requirement. Where the value of the land dedication does not meet the minimum assessment requirement of GJMC 21.05.030(a), the valuation of the significant tree shall not be considered separately from or added to the assessment total.
 - (2) If the 30 percent minimum preservation requirement impedes the proposed Primary Development of a site, then the Director may grant a 10 percent adjustment of the

minimum setbacks, lot size, parking lot interior landscaping, and parking count requirements, or allow the use of cluster development.

- (3) Furthermore, the City Forester may adjust the drip line protection standards described in (6)(i) of this section so to allow for additional flexibility for the development to occur around the identified significant trees.
- (4) If the provisions in subsections (2) and (3) do not provide a viable means of development the site with the preservation of the minimum required significant trees then, at the developer’s discretion, the developer may remove significant trees present on the site. Tree replacement shall be required for all significant trees removed on a property at the following ratios:

| Table 21.07-3: Tree Replacement Requirements | |
|---|---------------------------------|
| Percent of Trees Preserved | Tree Replacement Ratio |
| Minimum 30% preservation | 3 caliper in. per 5 in. DBH [1] |
| Above 30% minimum | 1 caliper in. per 3 in. DBH [2] |
| Significant trees damaged or killed during construction | 3 caliper in. per 5 in. DBH [1] |
| Notes: [1] If developer cannot replace trees on-site, they may pay a fee-in-lieu according to GJMC 21.07.040(f). [2] See GJMC 21.07.040(d)(1)(ii) for credit applied to preserved trees. | |

- (e) Replacement of Significant Trees
Replacement trees may be planted in individual lots and private common areas.
- (f) Fee-in-Lieu
The fee in-lieu shall be based on the value of the required replacement tree(s) not planted on site, along with the total cost of installation. The City shall use this payment to purchase the required replacement trees not planted on-site and plant them on nearby public property.
- (g) Features to be preserved shall be protected throughout site development. No person shall kill or damage a landscape feature required to be preserved by this section. The developer shall protect trees from compaction.
 - (1) During construction, existing plant material to be preserved shall be enclosed by a temporary fence at least five feet outside the canopy dripline. In no case shall vehicles be parked, or materials or equipment be stored or stockpiled within the enclosed area.
 - (2) Irrigation shall be provided to trees preserved during construction of sufficient quantity to ensure their health and survival.

21.07.050 PARKING LOTS

The requirements of this subsection are applicable to all public and private parking areas, but not to park, lake, reservoir, or other open space uses, vehicle display areas for vehicle sales, rental and leasing light or heavy and mini-warehouse as defined in GJMC Chapter 21.04. Where a single row of less than 20 parking spaces abuts and backs into an alley, these requirements are not applicable.

(a) Interior Landscaping Requirement

Landscaping is required in the interior of parking lots to direct traffic, to shade cars and structures, to reduce heat and glare and to screen cars from adjacent properties. The interior of all parking lots shall be landscaped as follows:

- (1) One landscape island, parallel to parking spaces, is required for each 20 parking spaces
- (2) A landscape island is required at the end of every row of parking spaces, regardless of length or number of spaces.
- (3) One landscape divider island, parallel to the parking lot drive aisles, designed to prevent diagonal movement across the parking lot, shall be located for every three parking lot drive aisles.
- (4) Landscape islands must be at least 140 square feet. The narrowest/smallest dimension of a parking lot island shall be eight feet, measured from back of curb to back of curb.
- (5) A corner area (where it is not feasible to park a vehicle) may be considered an end island for the rows on the perimeter of the parking lot.
- (6) Landscaping of the interior of a parking lot shall include trees and shrubs.
- (7) Trees planted in parking lot islands shall be selected from those identified as Parking Lot Island Trees on the Plant List.
- (8) To improve the management of stormwater runoff, structurally-sound permeable pavers may be used in parking areas, subject to the approval of the Director. Use of permeable pavers for ten parking stalls shall result in a reduction of one required parking stall per the required parking ratios in GJMC Chapter 21.08.
- (9) The use of bioswales in parking lot designs is encouraged to facilitate stormwater management.

(b) Parking Lot Perimeter

Landscaping is required around the entire perimeter of a parking lot to assist in the abatement of heat and to reduce the amount of glare from glass and metal, and to assist in the screening of cars from adjacent properties. The perimeter of a parking lot is defined as the curb line defining the outer boundaries of the parking lot, including dumpster enclosures, bike racks, or other support facilities that are adjacent to the outer curb. Entry drives between a parking lot and the street, drives connecting two internal parking lots or building entry plazas are not included in the perimeter area. The requirements of this subsection are applicable to all public and private parking areas but not to vehicle display areas for vehicle sales, rental, and leasing light or heavy and mini-warehouse as defined in GJMC Chapter 21.04.

- (1) The minimum dimension allowed for the parking lot perimeter landscape strip is eight feet.
- (2) Landscaping along the perimeter of parking lots shall include trees and shrubs.
- (3) Parking lots shared by more than one owner shall be landscaped around the perimeter of the combined lots.
- (4) In the I-1 and I-2 zone districts, a minimum of 75 percent of the parking lot perimeter landscape shall be covered by plant material including tree canopy, shrubs, and groundcover at maturity.

(c) Screening

All parking lots abutting rights-of-way, entry drives, and adjacent properties must be screened. For this subsection, a "screen" means a berm with appropriate groundcover or shrubs.

- (1) Screening shall not be required between parking lots on adjoining lots where the two lots are designed to function as one.
- (2) A 30-inch-high screen is required along 70 percent of parking lots abutting rights-of-way, entry drives, and adjacent properties, excluding curb cuts. The 30-inch screen shall be placed so as to maximize screening of the cars in the parking lot, when viewed from the right-of-way and shall be measured from the ground surface, or the elevation of the roadway if the adjacent road is higher than the property.
- (3) If a landscape area is 30 feet wide or greater between a parking lot and a right-of-way, the 30-inch-high screen is not required. This 30-foot-wide or greater area must be 75 percent covered in plant material including tree canopy coverage, shrubs, and groundcover at maturity.
- (4) The Director may approve a screen wall between a parking lot and a right-of-way if the lot or parcel is unusually small. There must be at least five feet between the right-of-way and the paved part of a parking lot to use a wall as a screen.
 - (i) A screen wall must not be taller than 30 inches, unless the adjacent roadway is higher than the property, in which case the screen wall shall be 30 inches higher than the adjacent roadway.
 - (ii) The back of the wall must be at least 30 inches from the face of curb for bumper overhang.
 - (iii) Walls shall be solid masonry with finish on both sides. The finish may consist of stucco, brick, stone, or similar material. Unfinished or merely painted concrete block is not permitted.
 - (iv) Shrubs shall be planted on the street side of the wall.
 - (v) Shrub plantings in front of a wall are not required in the MU-3 district.

(d) Cul-de-Sac Parking Pods

- (1) Where a parking pod fits within a standard cul-de-sac, per current standards in TEDS (GJMC Title 29), no landscaping is required.
- (2) If a cul-de-sac is elongated, or in an otherwise non-traditional shape, landscaping islands shall be provided within the parking pod.
- (3) Landscaping provided in parking pods shall meet the requirements of an interior landscape island.

21.07.060 STREET FRONTAGE LANDSCAPE

- (a) For all development, except construction of one or two dwelling units or development within the MU-3 zone district, the owner shall provide and maintain a minimum 14-foot-wide street frontage landscape adjacent to the public right-of-way.

- (1) Where detached walks are provided, a minimum street frontage landscape of five feet is acceptable.
- (2) For a new residential subdivision, the street frontage landscape is only required on the perimeter of the subdivision adjacent to a right-of-way, not along new internal roadways.
- (b) A minimum of 75 percent of the street frontage landscape shall be covered by plant material at maturity, including tree canopy, shrubs, and groundcover.
- (c) Landscaping within the street frontage shall include trees and shrubs. If detached walks are not provided with street trees, street trees shall be provided in the street frontage landscape, including one tree for every 40 feet of street frontage.
 - (1) In the I-1 and I-2 zone districts, 70 percent of trees must be shade trees.

21.07.070 PUBLIC RIGHT-OF-WAY

- (a) All unimproved right-of-way adjacent on the side abutting a development which is not in the City's ten-year capital plan to be improved must be landscaped.
- (b) For the purpose of meeting minimum plant quantities, 50 percent of landscaping plantings on public right-of-way shall be counted toward the landscape or open space requirements of this Code, unless specifically provided otherwise in this Code.
 - (1) At least 75 percent of the unpaved adjacent right-of-way shall be covered by plant material at maturity, including tree canopy, shrubs, and groundcover. No more than 15 percent of the right-of-way shall be landscaped with turf.
 - (2) The right-of-way landscaping between the curb and sidewalk shall contain street trees spaced every 40 feet. Right-of-way landscaping shall be a minimum of eight feet wide in any direction.
 - (3) Trees planted in the public right-of-way shall be of species identified on the list of Approved Street Trees for Grand Junction's Rights-of-Way.
- (c) All right-of-way landscaping shall be irrigated and maintained by the adjoining private property owner unless the City agrees to accept it for maintenance. If it is to be maintained by the City, a separate irrigation system shall be provided.
- (d) The owner of the nearest property shall keep all rights-of-way, which are not hard surfaced, free of weeds, litter, junk, rubbish, and obstructions. To prevent weed growth, erosion and blowing dust, right-of-way areas not covered by vegetation or paving shall be covered with organic mulch, wood chips, or similar natural materials.
- (e) No tree shall be removed from the public right-of-way without the approval of the City Forester. Trees removed from the right-of-way without approval shall be subject to penalties per GJMC 9.04.100.

21.07.080 BUFFERS

(a) General

Buffers shall be provided between different zone districts as indicated in Table 21.07-4. Buffer landscaping is required in addition to overall site landscaping requirements as required by this Code.

- (1) 75 percent of each buffer area shall be covered by plant material at maturity including tree canopy, shrubs, and groundcover.
- (2) One tree is required per every 40 linear feet of boundary between different zones.

(b) Exceptions

- (1) Where residential or collector streets or alleys separate zone districts, the Director can require more landscaping instead of a wall or fence.
- (2) Where walkways, paths, or a body of water separates zone districts, the Director may waive a fence or wall requirement provided the buffering objectives are met by private yards.
- (3) Where a railroad or other right-of-way separates zone districts, the Director may waive the buffer strip if the buffering objectives are met without them.

| Zoning of Proposed Development [1] [2] [3] | Zoning of Adjacent Property | | | | | | | | | | | |
|---|-----------------------------|--------|--------|--------------|--------|------|--------|------|--------|------------|------------|------------|
| | R-R, R-ER, R-1R, R-2R, RL-4 | RL-5 | RM-8 | RM-12, RH-16 | RH-24 | MU-1 | MU-2 | MU-3 | C-1 | CG, I-OR | I-1 | I-2 |
| R-R, R-ER, R-1R, R-2R, RL-4 | - | - | - | - | - | - | F | - | F | W | W | W |
| RL-5 | - | - | - | - | - | - | F | - | F | W | W | W |
| RM-8 | - | - | - | - | - | F | F | - | F | W | W | W |
| RM-12, RH-16 | - | - | - | - | - | - | F | - | W | W | W | W |
| RH-24 | - | - | - | - | - | - | F | - | W | W | W | W |
| MU-1 | A or F | A or F | A or F | A or F | A or F | - | A or F | - | A or F | A & F or W | A & F or W | A & F or W |

| Table 21.07-4: Buffer Requirements | | | | | | | | | | | | |
|--|-----------------------------|--------|--------|--------------|--------|--------|------|------|--------|----------|--------|--------|
| Zoning of Proposed Development [1] [2] [3] | Zoning of Adjacent Property | | | | | | | | | | | |
| | R-R, R-ER, R-1R, R-2R, RL-4 | RL-5 | RM-8 | RM-12, RH-16 | RH-24 | MU-1 | MU-2 | MU-3 | C-1 | CG, I-OR | I-1 | I-2 |
| MU-2 | A or F | A or F | A or F | A or F | A or F | A or F | - | - | A or F | A or F | A or F | A or F |
| MU-3 | - | - | - | - | - | - | - | - | - | - | - | - |
| CG, I-OR | W | W | W | W | W | W | F | - | - | - | - | A or F |
| I-1 | W | W | W | W | W | W | F | - | - | - | - | - |
| I-2 | A & F or W | W | W | W | W | W | F | - | - | - | - | - |
| P-1, P-2 [4] | - | - | - | - | - | - | - | - | - | - | - | - |

Notes:
 [1] A berm with landscaping is an alternative for a required fence or wall if the total height is a minimum of six feet.
 [2] Where alleys or streets separate different zone districts, the Director may approve increased landscaping rather than requiring a wall or fence.
 [3] The Director may modify this table based on the uses proposed in any zone district.
 [4] Gravel operations subject to buffering adjacent to residential.

| Table 21.07-5: Buffer Landscaping Requirements | | |
|--|--|-----------------------------|
| Buffer Types [1] | Landscaping Requirements | Location of Buffers on Site |
| Type A | Eight-foot-wide landscape strip with trees and shrubs | Between different uses |
| Type A & F | 15-foot-wide landscape strip with trees and shrubs | Between different uses |
| Type F, W | Six-foot fence and wall (see subsection (f) of this section) | Between different uses |
| Notes: | | |

Table 21.07-5: Buffer Landscaping Requirements

| Buffer Types [1] | Landscaping Requirements | Location of Buffers on Site |
|---|--------------------------|-----------------------------|
| [1] Fences and walls are required for most buffers. | | |

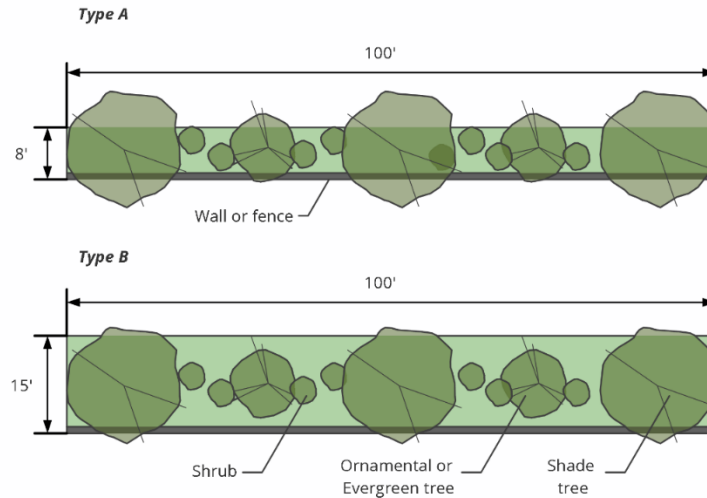


Figure 07.08-1 Buffer Requirements

(c) Fences and Walls

- (1) When a higher density or intensity zone district abuts a lower density or intensity zone district, it is the responsibility of the higher density or intensity property to buffer the abutting zone district according to Table 21.07-4.
- (2) When an existing fence or wall substantially meets the requirements of this section, and Table 21.07-4 requires the same form of buffering, an additional fence on the adjacent developing property shall not be required.
- (3) However, if the new development requires the placement of a wall, and a fence exists on the adjacent property, the wall shall be required.
- (4) If a wall is required and a fence is in place, the wall must be placed adjacent to the fence. (Table 21.07-4 should be referenced to determine when a wall or a fence is required. The more stringent standard shall apply; i.e., if a wall is required and a fence is in place, the wall must be placed adjacent to the fence.)
- (5) Fences must comply with GJMC 21.05.090, any design guidelines and other conditions of approval. Fences and walls required by this section must meet the following:
 - (i) Fence type: solid wood or material with a similar appearance, finished on both sides.
 - (ii) Wall type: solid masonry finished on both sides. Finish may consist of stucco, brick, stone, or similar material but unfinished or merely painted concrete block is not permitted.
 - (iii) Location: within three feet of the property line unless the space is needed to meet landscaping requirements.

- (iv) A wall must have a column or other significant architectural feature every 30 feet of length.

(d) Berms

Minimum requirements for berms are as follows:

- (1) Maximum slope of 4:1 for turf areas and 3:1 for shrub beds; and
- (2) To control erosion and dust, berm slopes must be stabilized with vegetation or by other means consistent with the requirements for the particular landscape area.

21.07.090 RESIDENTIAL SUBDIVISION PERIMETER ENCLOSURES

(a) Intent

The Director may require perimeter enclosures (fences and/or walls) around all or part of the perimeter of a residential development. Perimeter enclosures shall be designed to meet the following objectives of protecting public health, safety, and welfare: screen negative impacts of adjoining land uses, including streets; protect privacy; maintain a consistent or complementary appearance with enclosures in the vicinity; maintain consistent appearance of the subdivision; and comply with corridor overlay requirements.

(b) Applicability

When required by the Director, the standards of this subsection shall apply to all residential subdivisions as well as to all mixed-use subdivisions where the square footage of proposed residential uses exceeds the square footage of proposed nonresidential uses.

(c) Required Perimeter Enclosures

A perimeter enclosure may be required if one or more of the following apply:

- (1) Use or enjoyment of property within the development or in the vicinity of the development might be impaired without a perimeter enclosure.
- (2) A perimeter enclosure is necessary to maintain a consistent and complementary appearance with existing or proposed perimeter enclosures in the vicinity.
- (3) A perimeter enclosure is necessary to control ingress and egress for the development.
- (4) A perimeter enclosure is necessary to promote the safety of the public or residents in the vicinity.
- (5) A perimeter enclosure is needed to comply with the purpose, objectives, or regulations of the subdivision requirements.
- (6) A perimeter enclosure is needed to comply with a corridor overlay district.

(d) Specifications

Unless specified otherwise at the time of final approval:

- (1) A perimeter enclosure includes fences, walls or berms, and combinations thereof, located within five feet of the exterior boundary of a development.
- (2) Fences must comply with GJMC 21.05.090, any design guidelines, and other conditions of approval. Fences and walls required by this section shall meet the following:

- (i) An enclosure constructed on a berm shall not extend more than eight feet above the adjoining sidewalk or crown of road, whichever is lower.
 - (ii) New enclosures shall be compatible with existing enclosures in the vicinity if such enclosures meet the requirements of this Code.
 - (iii) A perimeter wall must have a column or other significant architectural feature every 30 feet.
- (3) Street frontage landscaping, in accordance with GJMC 21.07.060 shall be located between the perimeter enclosure and the on the right-of-way if applicable.

(e) Construction of Perimeter Enclosures

The perimeter enclosure and required landscape buffer shall be installed by the developer and included in the development improvements agreement.

(f) Ownership and Maintenance

All perimeter enclosures and landscape buffers must be within a tract dedicated to and maintained by the homeowners association. The developer shall refer to the perimeter enclosure in the covenants and restrictions and so that perpetual maintenance is provided for either that the perimeter enclosure be owned and maintained by the owners' association or by individual owners. The perimeter enclosure shall be identified on the plat.

(g) Alternative Construction and Ownership

If the Director finds that a lot-by-lot construction, ownership and/or maintenance of a perimeter enclosure landscape strip would meet all applicable objectives of this section and the design standards of GJMC Chapter 21.09 approved plans shall note the type and size of materials, placement of fence posts, and length of sections.

(h) Overlay District Conflicts

Where in conflict, the perimeter enclosure requirements or guidelines of approved overlay districts shall supersede the requirements of this section.

21.07.0100 SUBSTITUTIONS

The requirements outlined below may be varied based at the following rates of substitution.

- (a) Required trees may be substituted for shrubs and required shrubs may be substituted for trees at a rate of three shrubs equaling one caliper inch of tree. For example: three-two-inch caliper trees equaling six caliper inches may be exchanged for 12 shrubs, or vice versa.
- (b) No more than 30 percent of the number of trees required may be substituted for shrubs.
- (c) Two #5 container shrubs may be substituted for four linear feet of wall when walls are required per GJMC 21.07.050(b)(4). Shrubs substituted for walls must reach a height of at least 30 inches at maturity.
- (d) Ten percent of the required shrubs may be converted to perennials and/or ground covers at a ratio of three #1 container perennials and/or ground covers for one #5 container shrub.
- (e) The number of shrubs may be reduced in exchange for additional trees or tree size at a rate of three shrubs per caliper inch.

- (f) Existing trees preserved during development shall count toward the total tree requirement at a ratio of two inch of DBH of preserved tree is equivalent to one caliper inches of required tree plantings.
- (g) Existing significant trees preserved above the required 30 percent shall count toward the total tree requirement at a ratio of one inch of DBH of preserved significant tree is equivalent to three caliper inches of required tree plantings.

| Table 21.07-6: Planting Substitutions | | | | |
|--|--|--|--|--|
| | Tree | Shrub | Groundcover/ Perennials | Wall |
| Tree | Two inches in DBH of preserved tree to one caliper inch required new trees | Three shrubs for one caliper inch of tree | N/A | N/A |
| Shrub | Three shrubs for one caliper inch of tree | N/A | Three #1 container perennials and/or ground cover for one #5 container shrub | Two #5 container shrubs (minimum 30 inches in height) for four linear feet of wall |
| Groundcover/ Perennial | N/A | Three #1 container perennials and/or ground cover for one #5 container shrub | N/A | N/A |
| Wall | N/A | Two #5 container shrubs (minimum 30 inches in height) for four linear feet of wall | N/A | N/A |

Chapter 21.08 Off-Street Parking

21.08.010 OFF-STREET PARKING AND LOADING

(a) Purpose

The purpose of this section is to:

- (1) Ensure that off-street parking areas are well designed with regard to safety, efficiency and convenience for vehicles, bicycles, and pedestrians;
- (2) Ensure parking requirements result in land usage and intensity that align with the City's goal;
- (3) Provide enough vehicular parking to accommodate the need generated by the uses without providing excessive amounts of parking that unduly burden businesses with the cost of building or maintaining parking;
- (4) Manage and improve existing public parking facilities and future development in Downtown; and
- (5) Provide for creative and innovative approaches to parking reduction mechanisms, alternative parking arrangements, and parking design.

(b) General Parking Standards

(1) Compliance with TEDS Manual

In addition to the standards in this section, all off-street parking shall meet TEDS (GJMC Title 29).

(2) Uses Not Identified

The Director shall determine the parking requirement for a use that is not listed in subsection (d) of this section. The applicant shall provide adequate information so that the Director can make such decision by including:

- (i) Type of uses;
- (ii) Number of employees;
- (iii) Building design capacity;
- (iv) Square feet of sales area, service area, etc.;
- (v) On-site parking spaces;
- (vi) Proposed off-site parking spaces; and
- (vii) Hours of operation.

(3) Multiple Uses

If there are accessory or multiple uses within one or more structures, these standard shall apply to each use and structure, resulting in a total parking requirement for the complex or property except as provided in subsection (e).

(4) Accessible Parking

- (i) All development that provides off-street vehicle parking spaces shall comply with the requirements of the Americans with Disabilities Act (ADA) and the International Building Code (IBC), and the standards in this section. If the standards in this section conflict with the requirements of the ADA or IBC, the requirements of the ADA or IBC shall apply.
- (ii) Requirements for accessible parking spaces are detailed in the City Standard Street Details and are also in the Federal Register.
- (iii) All development shall provide at least the following number of accessible parking spaces:

| Table 21.08-1: Required Number of Accessible Parking Spaces | |
|--|--|
| Total Parking Spaces in Lot or Garage | Minimum Number of Accessible Spaces |
| 1-25 | 1 |
| 26-50 | 2 |
| 51-75 | 3 |
| 76-100 | 4 |
| 101-150 | 5 |
| 151-200 | 6 |
| 201-300 | 7 |
| 301-400 | 8 |
| 401-500 | 9 |
| 501-1,000 | 2% of spaces provided |
| 1,001 and Over | 20 plus 1 for each 100 over 1,000 |

- (iv) The additional width required for an accessible parking space may be created by reducing the width of an adjacent sidewalk area, provided the clear portion of the sidewalk width is not reduced below five feet, when providing accessible parking spaces in public right-of-way.

(c) Minimum and Maximum Off-Street Parking Standards

- (1) Notwithstanding subsection (ii) below, all development shall provide vehicle parking spaces in the amount required by Table 21.04-1, as those amounts may be modified by GJMC 21.08.010(d).
- (2) For all nonresidential uses, no minimum parking requirements apply in the Redevelopment Area and Corridor Infill Area as show in Figure 08.01-1 below.

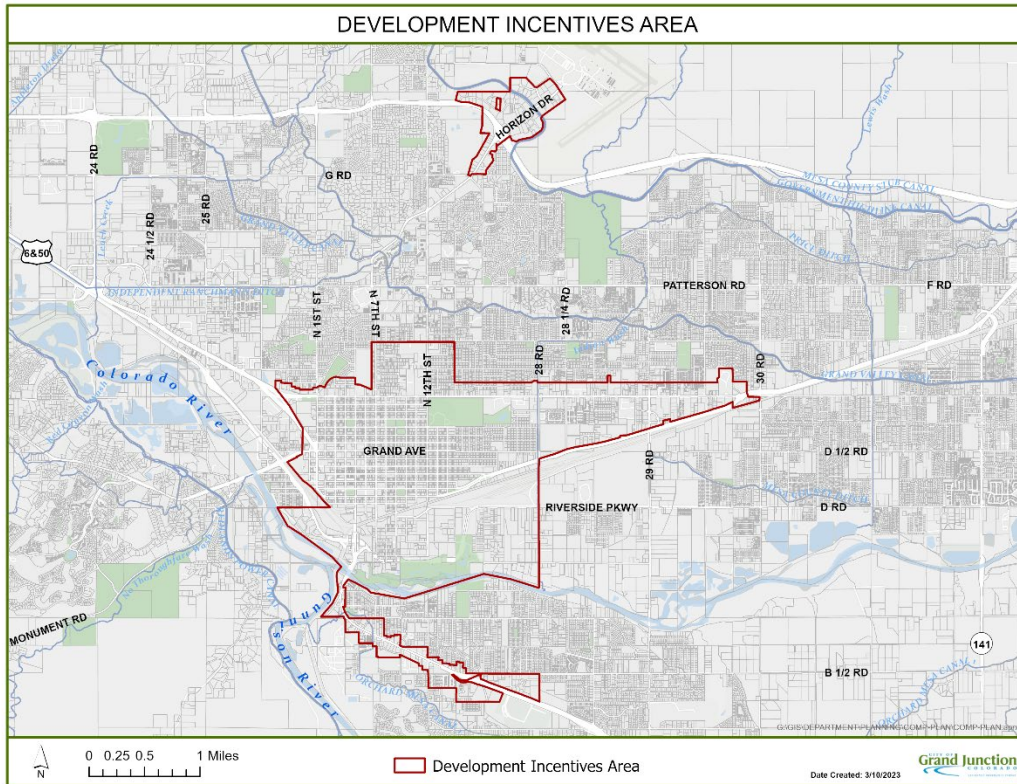


Figure 08.01-1 Redevelopment and Corridor Infill Area Map

| Table 21.08-2: Minimum Off-Street Vehicle Parking Requirements | |
|---|--|
| GFA = Gross Floor Area | |
| | Minimum Vehicle Parking |
| Residential Uses | |
| Household Living | |
| Dwelling, Single-Family Detached | 2 per unit |
| Dwelling, Single-Family Attached | 1 per unit |
| Dwelling, Cottage Court | 1 per unit |
| Dwelling, Duplex | 1 per unit |
| Dwelling, Multifamily | 1 bedroom: 1 per unit 2 bedroom: 1.5 per unit 3+ bedroom: 2 per unit Affordable Housing: 0.75 per unit |
| Manufactured Housing Community | 2 per unit |
| Group Living | |
| Boarding or Rooming House | 1 per bedroom + 2 spaces |
| Fraternity or Sorority | 1 per bedroom |

| Table 21.08-2: Minimum Off-Street Vehicle Parking Requirements GFA = Gross Floor Area | |
|---|---|
| | Minimum Vehicle Parking |
| Group Living Facility, Small | 1 per 4 beds + 1 per each 3 employees |
| Group Living Facility, Large | |
| Group Living Facility, Unlimited | |
| Public, Institutional, and Civic Uses | |
| Adult or Child Day Care | |
| Day Care Center, Adult or Child | 1 per 400 square feet GFA |
| Community and Cultural Facilities | |
| Assembly, Community | 2 per 1,000 square feet GFA |
| Assembly, Religious/Private Group | 2 per 1,000 square feet GFA |
| Community Corrections Facility | 2 per 1,000 square feet GFA |
| Crematory | None |
| Funeral Home or Mortuary | 2 per 1,000 square feet GFA |
| Government Service Facility | 2 per 1,000 square feet GFA plus 1 space per service vehicle |
| Jail | 2 per 1,000 square feet GFA |
| Meeting, Banquet, Event, or Conference Facility | 2 per 1,000 square feet GFA |
| Safety Service Facility | 2 per 1,000 square feet GFA plus 1 space per service vehicle |
| Educational Facilities | |
| Boarding School | 0.8 per bed |
| College or University | 2 per 1,000 square feet GFA office, research, and library area plus 1 space per 250 square feet GFA assembly areas and classrooms |
| Public or Private School | Elementary and Junior High: 1 per classroom High Schools: 6 per classroom |
| Vocational, Technical, or Trade School | 2 per 1,000 square feet GFA |
| Health Facilities | |
| Hospital | 1 per 2 beds based on maximum design capacity plus 2 per 1,000 square feet GFA office and administrative area |
| Medical or Dental Clinic | 2 per 1,000 square feet GFA |
| Parks and Open Space | |

Table 21.08-2: Minimum Off-Street Vehicle Parking Requirements

GFA = Gross Floor Area

| | Minimum Vehicle Parking |
|---|---|
| Cemetery | None |
| Golf Course | 4 per hole |
| Golf Driving Range | 1 per 20 feet of driving area |
| Park, Lake, Reservoir, Other Open Space | None |
| Commercial Uses | |
| Adult Entertainment | 2 per 1,000 square feet GFA |
| Agriculture and Animal | |
| Animal Agriculture | None |
| Animal Care, Boarding, or Sales, Indoor Operations Only | 2 per 1,000 square feet GFA |
| Animal Care, Boarding, or Sales, Outdoor Operations | 2 per 1,000 square feet GFA |
| Animal Clinic or Hospital | 2 per 1,000 square feet GFA |
| Dairy Operations or Feedlot | None |
| Farmers' Market | As determined by the Director |
| Forestry, Commercial | None |
| Nursery or Greenhouse | 2 per 1,000 square feet GFA |
| Pasture, Commercial | None |
| Urban Agriculture | None |
| Food and Beverage | |
| Bar or Tavern | 4 per 1,000 square feet GFA and outdoor dining area |
| Brewery, Distillery, or Winery | 4 per 1,000 square feet GFA and outdoor dining area |
| Brewpub, Distillery Pub, or Limited Winery | 4 per 1,000 square feet GFA and outdoor dining area |
| Food Service or Catering | 2 per 1,000 square feet GFA |
| Mobile Food Vendor/Court | 2.5 per vendor |
| Restaurant | 4 per 1,000 square feet GFA and outdoor dining area |
| Lodging Facilities | |
| Emergency Shelter | As determined by the Director |
| Hotel or Motel | 1 per guest room plus 3 per 1,000 square feet GFA restaurants, bars, or meeting areas |
| Resort Cabin and Lodge | 1 per guest room |

| Table 21.08-2: Minimum Off-Street Vehicle Parking Requirements | |
|---|--|
| GFA = Gross Floor Area | |
| | Minimum Vehicle Parking |
| Short-Term Rental | 1 per each bedroom above 4 bedrooms on the lot |
| Office and Personal Services | |
| Office | 2 per 1,000 square feet GFA |
| Personal Service | 2 per 1,000 square feet GFA |
| Recreation and Entertainment | |
| Campground or Recreational Vehicle Park | 1 per campsite |
| Indoor Entertainment and Recreation | 2 per 1,000 square feet GFA |
| Outdoor Entertainment and Recreation | 1 per 300 square feet GFA area plus 1 space per 10,000 square feet GFA site area |
| Riding Academy, Roping, or Equestrian Area | 1 per 5 stalls |
| Shooting Range, Indoor | 1 per 2 shooting stations |
| Shooting Range, Outdoor | 1 per 2 shooting stations |
| Swimming Pool, Community | 2 per 1,000 square feet pool surface area |
| Zoo | As determined by the Director |
| Retail Sales | |
| Flea Market | 2 per 1,000 square feet GFA or use area |
| Manufactured Building Sales and Service | 2 per 1,000 square feet GFA |
| Regulated Cannabis Store | 1 per 300 square feet |
| Retail Sales and Service, Small | 2 per 1,000 square feet GFA |
| Retail Sales and Service, Medium | 1.5 per 1,000 square feet GFA |
| Retail Sales and Service, Large | 1 per 1,000 square feet GFA |
| Retail Sales and Service, Big Box | 1 per 1,000 square feet GFA |
| Transportation | |
| Airport or Heliport | 3 per 1,000 square feet GFA terminal area |
| Helipad | None |
| Parking Lot or Garage | None |
| Transportation Depot | 3 per 1,000 square feet GFA waiting area |
| Truck Stop | 2 per 1,000 square feet GFA |
| Vehicles and Equipment | |
| Vehicle Fleet Operations Center | 1 per 1,000 square feet GFA plus 1 space per commercial fleet vehicle |
| Vehicle Fuel Sales and Service Station | 2 per 1,000 square feet GFA |
| Vehicle Impound Lot | 1 per 1,000 square feet GFA |

| Table 21.08-2: Minimum Off-Street Vehicle Parking Requirements | |
|--|--|
| GFA = Gross Floor Area | |
| | Minimum Vehicle Parking |
| Vehicle Repair, Major | 2 per 1,000 square feet GFA retail, office, waiting area plus 1 per service bay |
| Vehicle Repair, Minor | |
| Vehicle Sales, Rental and Leasing, Heavy | 2 per 1,000 square feet GFA of enclosed buildings plus 1 per 5,000 square feet of outdoor display area |
| Vehicle Sales, Rental and Leasing, Light | |
| Vehicle Wash | 3 stacking spaces per service lane, stall, or bay |
| Industrial Uses | |
| Manufacturing and Processing | |
| Industrial, Artisan | 2 per 1,000 square feet GFA |
| Industrial, Light | 1 per 1,000 square feet GFA |
| Industrial, Heavy | 1 per 1,000 square feet GFA |
| Mining and Extraction | None |
| Oil and Gas Drilling | None |
| Storage, Wholesale, and Warehousing | |
| Mini-Warehouse | 2 per development |
| Outdoor Storage, Commercial | 1 per 1,000 square feet GFA of enclosed buildings |
| Wholesale or Warehouse | 1 per 1,000 square feet GFA |
| Telecommunication | |
| Facilities on Wireless Master Plan Priority Site When Developed in Accordance with Wireless Master Plan Site-Specific Requirements | None |
| Temporary PWSF (e.g., COW) | None |
| Co-Location | None |
| Tower Replacement | None |
| Dual Purpose Facility | None |
| DAS and Small Cell Facilities | None |
| Base Station with Concealed Attached Antennas | None |
| Base Station with Non-Concealed Attached Antennas | None |
| Tower, Concealed | None |
| Tower, Non-Concealed | None |
| Broadcast Tower | 1 per each tower development |
| Utility Uses | |
| Utility Facility, Basic | None |

| Table 21.08-2: Minimum Off-Street Vehicle Parking Requirements | |
|---|--|
| GFA = Gross Floor Area | |
| | Minimum Vehicle Parking |
| Utility Facility, Major | None |
| Transmission Line | None |
| Waste and Salvage | |
| Composting Facility | 1 per 1,000 square feet GFA |
| Junkyard or Salvage Yard | 1 per 1,000 square feet GFA of enclosed buildings |
| Transfer Facility, Medical and Hazardous Waste | 1 per 1,000 square feet GFA |
| Transfer Facility, Solid Waste | 1 per 1,000 square feet GFA |
| Recycling Collection Facility | 1 per 1,000 square feet GFA |
| Recycling Collection Point | None |
| Solid Waste Disposal or Processing Facility | 1 per 1,000 square feet GFA |
| Accessory Uses | |
| Residential Uses | |
| Accessory Dwelling Unit | 1 per unit |
| Agricultural Labor Housing | 1 per 2 beds |
| Business Residence | 1 per residence + required parking of the nonresidential use |
| Guest Ranch | 1 per 2 beds |
| Household Pets | None |
| Other Animals | None |
| Public, Institutional, and Civic Uses | |
| Home Occupation, Day Care | None |
| Commercial Uses | |
| Agri-business | None |
| Animal Agriculture | None |
| Drive-Through Facility | None |
| Electric Vehicle (EV) Charging Facility | None |
| Home Occupation | None |
| Outdoor Display and Sales | None |
| Produce Stand | None |
| Industrial Uses | |
| Antenna | None |
| Outdoor Storage, Accessory | None |
| Recreation and Commercial Vehicles | None |

| Table 21.08-2: Minimum Off-Street Vehicle Parking Requirements | |
|---|---|
| GFA = Gross Floor Area | |
| | Minimum Vehicle Parking |
| Renewable Energy Facility, Accessory | None |
| Temporary Uses | |
| All Other | As determined by the Director during the review of a Temporary Use Permit |

(d) Parking Credits and Adjustments

(1) Parking Reductions

The minimum parking requirements in Table 21.04-1 may be adjusted as described in this section. The following reductions do not require the submittal of an alternative parking plan.

(i) Reduction Allowed by Administrative Adjustment

Applications meeting the requirements of GJMC 21.02.040(c) shall be eligible for the parking reduction as set forth in that section.

(ii) Shared Parking Facility Reduction

(A) Calculation

- a. Where two or more uses listed in Table 21.04-1 share a parking lot or structure, the total off-street parking requirement for those uses may be reduced by the factors shown in the table below.

| Table 21.08-3: Shared Parking Reduction | | | | | |
|---|-----------------------|----------------------------------|--|--------------|--------------------------------|
| Property Use | Multifamily Dwellings | Public, Institutional, and Civic | Food and Beverage, Indoor Recreation, or Lodging | Retail Sales | Other Commercial or Industrial |
| Multifamily Dwellings | 1.0 | | | | |
| Public, Institutional, and Civic | 1.1 | 1.0 | | | |
| Food and Beverage, Indoor Recreation, or Lodging | 1.1 | 1.2 | 1.0 | | |
| Retail Sales | 1.2 | 1.3 | 1.3 | 1.0 | |
| Other Commercial | 1.3 | 1.5 | 1.7 | 1.2 | 1.0 |

- b. To calculate the shared parking reduction, add the requirements for each use category and then divide the sum by the factor shown for that combination

of use categories in Table 21.08-3. For example, a development with 5,000 square feet of small retail space (three per 1,000 square feet gross floor area) and 20, two-bedroom multifamily dwelling units (1.5 per dwelling unit) would take the total spaces required and divide by 1.2.

$$(15) + (30) = 45.$$

$$45/1.2 = 37.5$$

The shared parking requirement is 38 spaces.

- c. If the shared parking includes more than two categories of uses, this reduction only applies to the two uses with the greatest parking demands. After calculating the reduction for those two use categories pursuant to Table 21.08-3., parking for a third, fourth, or additional use categories sharing the parking facility shall be provided at the rates shown in Table 21.08-3.

(B) Location

Shared parking spaces shall be located within 1,000 feet of the primary entrance of all uses served along the shortest available pedestrian route (measured from the nearest point of the parking area to the nearest point of the building, structure or use served by such parking lot) unless shuttle bus service is provided to the parking area.

(C) Agreement

- a. A shared parking plan shall be enforced through written agreement among all owners of record. An attested copy of the agreement between the owners of record shall be submitted to the Director on forms made available by the City.
- b. A shared parking agreement may be rescinded only if all required off-street parking spaces are provided in accordance with this section.

(iii) Transit and Pedestrian/Bicycle Proximity Reduction

- (A) The minimum parking required by Table 21.04-1 may be reduced by five percent if the majority of the site for which parking is being provided is within ¼ mile of a transit stop.
- (B) The minimum parking required by Table 21.04-1 may be reduced by five percent if the majority of the site for which parking is being provided is within ¼ mile of a regional trail providing pedestrian and bicycle access.

(iv) Transportation Demand Management Reduction

The Director may allow a reduction in required parking for employers that enter into a Transportation Demand Management (TDM) Agreement that specifies how on-site parking will be reduced through property owner or operator programs or initiatives that reduce the number of employees on-site. Any TDM Agreement, whether used independently or in combination with other allowed parking reductions, is subject to

the 50 percent limitation on overall parking reduction. Such programs may include the following:

- (A) Compressed work week schedules;
- (B) Flexible arrival and departure times;
- (C) Telework opportunities; or
- (D) Incentives for employees to use alternative modes of transportation to the work place.

(v) Additional and Enhanced Bicycle and Electric Bicycle Parking

- (A) The minimum parking required by Table 21.04-1 may be reduced by five percent if the applicant provides at least five bicycle spaces in excess of the minimum requirements of GJMC 21.08.020(a); or
- (B) The minimum parking required by Table 21.04-1 may be reduced by 10 percent if the applicant:
 - a. Provides at least five bicycle spaces in excess of the minimum requirements of GJMC 21.08.020(a); and
 - b. Provides a dedicated bicycle storage area with at least two showers and four lockers for every shower provided.

(2) Alternative Parking Plans

An applicant shall submit an alternative parking plan with a proposed site plan to adjust the minimum off-street parking requirements as follows.

(i) Applicant-Submitted Parking Data

The required parking ratios may be modified where applicant-submitted parking data illustrates that required parking ratios do not accurately apply to a specific development.

(ii) Credit for On-Street Parking

Credit may be provided by the Director for any on-street parking spaces abutting the subject property. Such spaces must not be located within a clear sight triangle. No fractional spaces shall be credited.

(iii) Off-Site Parking

Required off-street parking spaces may be permitted on a separate lot from the lot on which the principal use is located if the off-site parking complies with all of the following standards:

(A) Ineligible Activities

Off-site parking may not be used to satisfy the required parking ratios for residential uses (except for guest parking), as well as small retail sales. Required accessible parking spaces may not be located off site.

(B) Location

- a. Off-site parking spaces shall be located within 1,000 feet from the primary entrance of the use served along the shortest available pedestrian route (measured from the nearest point of the parking area to the nearest point of the building or structure served by such parking lot).
- b. Off-site parking may not be separated from the use that it serves by a street right-of-way with a width of more than 80 feet unless a designated pedestrian crosswalk or walkway is provided.
- c. The off-site parking shall be located wholly within a district that allows commercial parking lots or garages as principal use.

(C) Agreement

- a. In the event that an off-site parking area is not under the same ownership as the principal use served, a written agreement between the record owners shall be required.
- b. An off-site parking agreement may be rescinded only if all required off-street parking spaces are provided in accordance with this section.

(iv) Valet Parking

Valet parking may be permitted as a means of satisfying otherwise applicable parking requirements where all of the following standards have been met:

- (A) Adequate assurance of the continued operation of the valet parking is provided, such as a contractual agreement for valet services or the tenant's affidavit agreeing to provide such services.
- (B) An equivalent number of valet spaces are available to replace the number of required on-site parking spaces. Such valet spaces do not require individual striping, and may take into account the tandem or mass parking of vehicles.
- (C) The design of the valet parking shall not cause customers who do not use the valet service to park off-premises or cause queuing in the right-of-way.
- (D) An accessible passenger loading and unloading area meeting ADA standards shall be provided.

(v) Recording of Approved Plans

An attested copy of an approved alternative parking plan shall be recorded in the deed records for Mesa County on forms made available by the Director. An alternative parking plan may be amended by following the same procedure required for the original approval. The applicant shall provide proof of recording prior to approval of the certificate of occupancy.

(e) Vehicle Parking Location and Design

(1) Location

- (i) Except as provided in an approved alternative parking plan, all parking shall be provided on the same property as the principal structure, unless the Director deems it impracticable.
- (ii) Parking spaces in Residential zone districts shall not be in a front yard setback, except for parking in driveways for detached single-family detached or duplex dwelling structures. In no case shall parking be allowed in parkway strips (the area between the sidewalk and curb or edge of pavement).

(2) Parking Stall and Aisle Design

- (i) Parking stalls shall be located outside TEDS (GJMC Title 29) sight triangle at access locations.
- (ii) Each parking space must be accessible independently of others.
- (iii) All parking stalls shall be oriented such that any vehicle exiting a parking stall is not required to back into any public street. Spaces shall be arranged so that no part of any parked vehicle extends beyond the boundaries of the parking area and to ensure that the vehicle overhang does not obstruct sidewalks or other pedestrian walking areas. This shall be accomplished through one of the following methods:
 - (A) Wheel or bumper blocks provided in each stall; or
 - (B) An additional 18 inches of sidewalk width, above the minimum width required for compliance with ADA or TEDS standards, provided with a raised curb.
- (iv) Parking stalls may be oriented at zero, 30, 45, 60, 75 or 90 degrees to the parking aisle. Both stall and aisle dimensions and layout will vary depending on the stall orientation. The use of parking stalls oriented 90 degrees to the building face with two-way aisles is generally preferred as this permits the most direct route between the parking stall and the building and minimizes auto/pedestrian conflicts adjacent to buildings.
- (v) Where larger vehicles may be frequent users of the parking facilities, it is appropriate to increase the parking stall dimensions according to the dimensions and turning characteristics of the vehicle.
- (vi) Parking aisles shall be designed to accommodate the turning characteristics of the vehicles that will most commonly use the parking facilities. Dead-end parking aisles are prohibited without provision of an adequate turn around. Aisles shall not exceed 350 feet in length without a break in circulation.

| Table 21.08-4: Required Parking Stall Dimensions | | | |
|---|----------------------------|-----------------------------|----------------------------|
| Parking Angle | A | B | C |
| | Stall Width in Feet | Stall Length in Feet | Aisle Width in Feet |
| 0 | 22.0 | 9.0 | 12.0 |
| | 22.0 | 9.5 | 12.0 |

| Table 21.08-4: Required Parking Stall Dimensions | | | |
|---|----------------------------|-----------------------------|----------------------------|
| Parking Angle | A | B | C |
| | Stall Width in Feet | Stall Length in Feet | Aisle Width in Feet |
| | 22.0 | 10.0 | 12.0 |
| 30 | 9.0 | 18.0 | 11.0 |
| | 9.5 | 18.0 | 11.0 |
| | 10.0 | 20.0 | 11.0 |
| 45 | 8.5 | 21.0 | 13.0 |
| | 9.0 | 21.0 | 12.0 |
| | 9.5 | 21.0 | 11.0 |
| 60 | 8.5 | 21.0 | 18.0 |
| | 9.0 | 21.0 | 16.0 |
| | 9.5 | 21.0 | 15.0 |
| 75 | 8.5 | 19.5 | 25.0 |
| | 9.0 | 19.5 | 23.0 |
| | 9.5 | 19.5 | 22.0 |
| 90 | 8.5 | 18.5 | 28.0 |
| | 9.0 | 18.5 | 25.0 |
| | 9.5 | 18.5 | 24.0 |

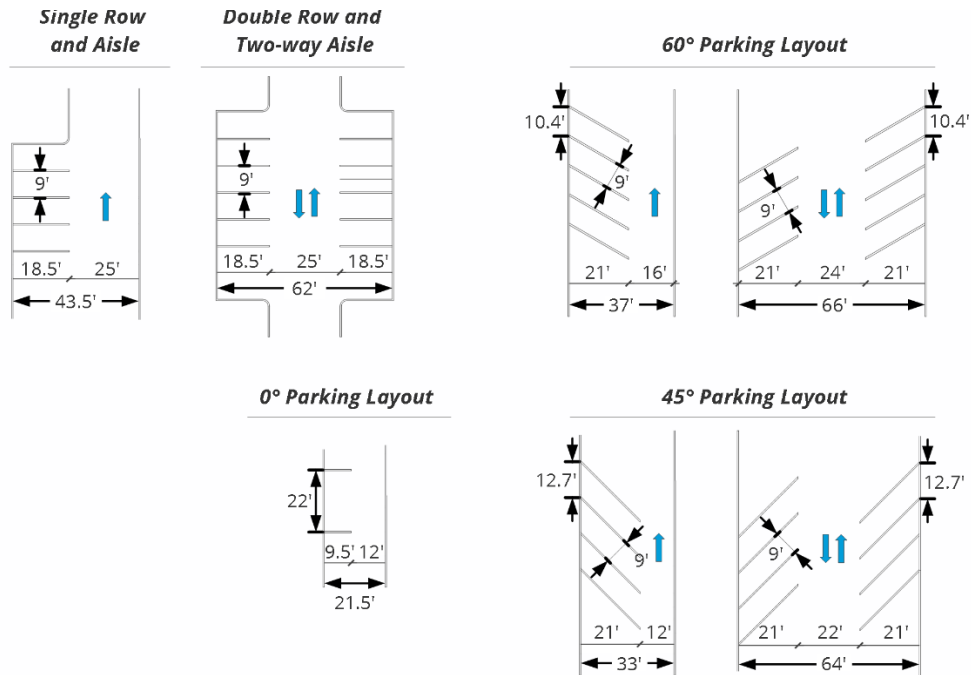


Figure 08.01-2 Parking Layout Options

(3) Maximum Allowable Grades in Parking Lots

Maximum grades allowed in parking lots shall be eight percent.

(4) Pedestrian Crossings

- (i) Pedestrian crossing areas shall be provided for each building egress or for every 125 feet of building which fronts a part of the parking area.
- (ii) Pedestrian crossing areas in parking lots shall be constructed of surface pavers, such as brick, stone blocks, interlocking brick pavers, stamped concrete or other materials as may be approved by the Director which form a smooth surface but contrast with asphalt. For parking lots of less than 50 cars, the Director may accept paint or similar markings.
- (iii) All parking lots that contain more than two double rows of vehicle parking shall include pedestrian walkways through the parking lot to the principal building entrance or a sidewalk providing access to the principal building entrance. At a minimum, walkways shall be provided for every three driving aisles or at a distance of not more than 150-foot intervals, whichever is less.
- (iv) To the maximum extent practicable, parking lots for multifamily, mixed-use, and nonresidential development shall be designed to allow for cross-access to adjacent properties to encourage shared parking and access points on public or private streets. This may be established by one or more of the following:
 - (A) Connecting streets and driveways;
 - (B) Coordinating parking lot and parking structure entrances;
 - (C) Common service/delivery areas;
 - (D) Legally shared parking lots and parking structures;
 - (E) Linkages between parking lots and parking structures; or
 - (F) Providing shared access for two adjacent lots from public rights-of-way to minimize curb cuts.

(5) Surfaces

All driveways and parking areas, except for a single dwelling on one lot, shall comply with the following:

- (i) All required parking and vehicular traffic surfaces shall drain and be surfaced with concrete or bituminous pavement in accordance with City standards. The City Engineer may permit a gravel or other permeable surface in overflow parking areas, a low-traffic storage yard, park, lake, reservoir, other open space uses as defined in GJMC Chapter 21.14 or, as in subsection (ii) of this section, if the applicant establishes that very little dust will be generated. "Overflow parking" is defined as "parking in addition to the minimum required by ordinance which is designed not to be used more than 10 times per year." A "low-traffic storage yard" is defined as "a storage area generating less than 30 average daily trips." Industrial yards that accommodate large trucks and/or heavy equipment shall be surfaced and maintained with materials to

prevent dust, mud, and debris from leaving the site and being tracked onto the public right-of-way.

- (ii) All surfaces shall be maintained in good condition free of weeds, dust, trash, and debris. All vehicular traffic areas shall be built according to the construction standards established by the City.

(6) Parking Lot Landscaping

Parking lots, excluding those accessory to a park, lake, reservoir, or other open space use, shall be landscaped pursuant to GJMC 21.07.040.

(f) Loading

A site plan for a proposed nonresidential use shall identify loading/unloading areas and shall be built and maintained in accordance with TEDS (GJMC Title 29).

21.08.020 BICYCLE PARKING AND STORAGE

(a) Amount Required

- (1) Each nonresidential principal structure shall provide the following, depending on the category of the use as shown in Table 21.04-1: Principal Use Table:

| Table 21.08-5: Minimum Bicycle Parking Spaces Required | | |
|--|---|---|
| Use or Use Category | Short-Term Spaces | Long-Term Spaces |
| Multifamily Dwelling | 2 plus .05 per bedroom | 2 plus .05 per bedroom |
| Food and Beverage Service, Recreation and Entertainment, and Retail Uses | 2 plus 1 per 5,000 square feet of gross floor area | 2 plus 1 per 12,000 square feet of gross floor area |
| Office Uses | 2 plus 1 per 20,000 square feet of gross floor area | 2 plus 1 per 10,000 square feet gross floor area |
| Industrial Uses | 2 | 2 plus 1 per 15,000 square feet internal gross floor area |
| All Other Nonresidential Uses | 2 plus 1 per 20,000 square feet of gross floor area | 2 plus 1 per 12,000 square feet internal gross floor area |

- (2) If more than 10 bicycle parking spaces are required, a minimum of 10 percent of the required bicycle parking spaces shall be designed to accommodate cargo bicycles or bicycles with trailers.

(b) Location

(1) Short-Term Bicycle Spaces

- (i) Short-term bicycle spaces shall be located within 50 feet from the main entrance of the principal building.
- (ii) Short-term bicycle racks shall be located so that they:

- (A) Are easily accessed from the street and protected from motor vehicles;
- (B) Are visible to passers-by to promote usage and enhance security;
- (C) Do not impede or interfere with pedestrian traffic or routine maintenance activities;
- (D) Do not block access to buildings, bus boarding or freight loading;
- (E) Allow reasonable clearance for opening of passenger-side doors of parked cars; and
- (F) Are covered, to the maximum extent practicable, where users will leave their bikes for a longer amount of time.

(2) Long-Term Bicycle Parking

Long-term bicycle parking shall be enclosed and secured to the maximum extent practicable. Enclosed bicycle parking includes but is not limited to: an area enclosed by a secure fence with a lockable entrance, a secure and accessible room in a building, a secure and accessible enclosure within a parking structure, or a cluster of bicycle lockers.

(c) Design Standards

- (1) No more than 50 percent of the required bicycle parking spaces may require the bicycle to be hung or parked vertically, rather than being parked with both tires on the ground.
- (2) Standard bicycle parking spaces shall be a minimum of six feet long and two and one-half feet wide.
- (3) Cargo bicycle and bicycle trailer parking spaces shall be a minimum of 10 feet long and three feet wide.
- (4) A four foot wide aisle is required between rows of bicycle parking spaces or between a row of bicycle parking spaces and any wall or any other obstruction.
- (5) Bicycle racks shall be located on improved non-permeable surfaces and shall be anchored to the ground.
- (6) Bicycle racks shall provide two points of contact with the bicycle frame such as an inverted "U" or a post and ring. Wave, schoolyard, wheel well, bollard and spiral racks are prohibited.
- (7) Bicycle racks shall accommodate varied bicycle and styles, including electric bicycles and cargo bicycles, with greater clearance from obstructions, walkways, and other bicycle parking spaces to the maximum extent practicable.
- (8) Bicycle racks shall be constructed of rust-resistant, sturdy, and high-quality materials and designed so that they cannot be disassembled or tampered with.
- (9) Areas designated for bicycle parking shall be clearly marked and reserved for bicycle parking only.

(d) Alternative Bicycle Parking

The Director may waive or reduce the requirements of this section if:

- (1) Unique or unusual characteristics exist on a development site; or

- (2) Existing bicycle parking facilities are located within the public right-of-way and within 100 feet of the building's main entrance, provided that a minimum of two bicycle parking spaces are provided on site.

21.08.030 ELECTRIC VEHICLE CHARGING FACILITIES

Where a permanent parking lot or structure is required for new development or the redevelopment of multifamily dwellings or nonresidential uses, the lot or structure shall be provided with electric vehicle power transfer infrastructure in compliance with the Colorado Model Electric Ready and Solar Ready Code. For the purpose of this section, redevelopment shall include the replacement or addition of dwellings units or redevelopment or expansion that results in a 65 percent or greater increase of the gross square footage of an existing structure.

Chapter 21.09 Subdivision Standards

21.09.010 PURPOSE

The purpose of this chapter is to ensure that all divisions of land subject to this Code are designed to help implement the goals and objectives of the Comprehensive Plan and to:

- (a) Ensure that all developable lots have adequate provision for water service, sewer disposal, and other utilities;
- (b) Ensure that all developable lots had adequate legal access to the public street and highway system;
- (c) Incorporate and emphasize unique features of the land;
- (d) Protect existing natural resources and wildlife habitat, and preserve stands of existing mature trees and native vegetation;
- (e) Reduce fire hazards;
- (f) Mitigate erosion from wind and water;
- (g) Reinforce the importance of public places such as boulevards, parks, and open spaces;
- (h) Avoid development in riverine slide areas, geologically hazardous areas and in floodplains;
- (i) Provide active opens spaces for active and passive use that are integrated with those on abutting properties where possible;
- (j) Promote pedestrian uses, bicycling, and transportation modes other than the private automobile;
- (k) Reduce long-term service and maintenance costs to the City, its residents, and owners in the subdivision;
- (l) Avoid repetitive building and lot layouts;
- (m) Complement adjacent neighborhoods development and uses, and
- (n) Mitigate significant adverse impacts on neighboring developments.

21.09.020 APPLICABILITY

Unless otherwise provided in development or annexation agreement approved by City Council, the provisions of this section shall apply to all divisions of land into legal parcels for development. See GJMC Chapter 21.02 for the process of subdivision review and approval.

21.09.030 GENERAL STANDARDS

All subdivisions shall comply with the following:

- (a) GJMC 21.05.020.
- (b) All state laws and regulations regarding surveying and monumentation of land.

21.09.040 LOT LAYOUT AND DESIGN

(a) Designation of Lot Lines

Each plat shall identify the front and rear lot line of each lot.

(b) Maximum Block Length

No subdivision shall create a block that is greater than 1,400 feet in length in any direction.

(c) Lot Designs to be Avoided

The creation of the following types of lots shall be avoided to the maximum extent practicable.

- (1) Through (Double Frontage) Lots. Where there is no reasonable alternative to the creation of through lots, each lot shall comply with the subdivision perimeter enclosures provisions of GJMC 21.07.090.
- (2) Reverse Corner Lots
- (3) Three Frontage Lots
- (4) Lots with rear lot lines abutting a residential collector street, local street, or cul-de-sac. Creation of lots abutting an arterial or collector street is permitted, but may be required to provide larger building setbacks from those streets.
- (5) Flag Lots. Where there is no reasonable alternative to the creation of flag lots, provided each flag lot complies with the following standards:
 - (i) In a subdivision of four or fewer lots, not more than one lot may be a flag lot;
 - (ii) In a subdivision of five or more lots, not more than 15 percent of the lots may be flag lots;
 - (iii) The developable "flag" portion of each flag lot shall meet the minimum lot size required in the zone district where the property is located, without counting the area within the "flagpole" access portion of the lot;
 - (iv) Additional building setbacks for the "flag" portion of the lot may be required to reduce adverse impacts on surrounding properties;
 - (v) Not more than two flag lots may abut each other;
 - (vi) Where two flag lots abut each other, their two "flagpole" access portions of each lot shall abut and a shared driveway shall be provided;
 - (vii) Except as provided in subsection (D) below, each flag lot shall have at least 25 feet of street frontage;
 - (viii) Where the Director determines that access will be needed to access future development, the Director may require the applicant to provide an access easement and an irrevocable offer of dedication of right-of-way 50 feet wide running the full depth of the lot or lots.
 - (ix) Each lot shall be designed to allow a motor vehicle to exit the site to the public street driving forward.

(d) Reserve Strips

The creation of reserve strips on the outer edges or elsewhere in any subdivision, when used to the control of access to any public right-of-way, is not permitted.

(e) Alleys

- (1) Alleys shall be included in all residential subdivisions where:
 - (i) One or more adjacent blocks contain alleys, and the inclusion of alleys would continue that pattern; and
 - (ii) Alleys would provide access to residential lots abutting residential collector streets or local streets, and where with garages or parking areas are located behind a principal structure.
- (2) Alleys shall be included in all other residential blocks to the maximum extent practicable.
- (3) Alleys shall be included in mixed-use, commercial, or industrial subdivisions unless alternative service access is provided.

21.09.050 ACCESS, CIRCULATION, AND CONNECTIVITY

(a) General

- (1) Each subdivision shall be designed to continue or create an integrated system of lots, streets, trails, and infrastructure that provides for efficient movement of pedestrians, bicycles, and automobiles to and from adjacent development, while facilitating the use of mass transit.
- (2) Each subdivision shall include a street layout that continues the alignments of streets in adjoining subdivisions or their anticipated locations when adjoining property is not yet developed.
- (3) Each subdivision shall allow for through movement of general traffic to avoid isolation of residential areas and overreliance on arterial streets on the edges of the subdivision for traffic movement, except as required by subsection (g).
- (4) Each subdivision shall be designed to enable emergency service providers, including but not limited to police, fire, and ambulance vehicles to access each lot quickly and efficiently.
- (5) Each subdivision shall accommodate a system of major collector, minor/residential collector, and local/residential streets providing multiple direct connections between local destinations such as parks, schools, and shopping, without requiring the use of arterial streets to the maximum extent practicable.
- (6) Each residential and mixed-use subdivision shall provide efficient and reasonably direct motor vehicle, pedestrian, and bicycle access to nearby commercial development, and shall avoid the creation of physical barriers between adjacent residential and commercial areas unless necessary for safety reasons.
- (7) Each subdivision shall include reasonably direct connections to the City's on-street bikeway network and off-road trail system to the maximum extent practicable.
- (8) Street names and property addresses in each subdivision shall comply with the City's adopted Street Naming and Addressing Manual.

- (9) Each subdivision designed for nonresidential principal land uses shall provide for vehicular circulation between adjacent lots and must dedicate or grant appropriate easements ensuring such cross-access between lots.
- (10) No subdivision design which could result in the developer controlling access to a street, alley, or right-of-way shall be permitted.

(b) Access to Public Streets

- (1) All lots shall have direct or indirect access to a dedicated public road. The creation of private streets is not permitted unless approved by City Council.
- (2) If the plat provides for indirect access (i.e., over intervening private drives), access easements or tracts benefiting all lots with indirect access shall be provided on the recorded plat. Easements shall be used to access not more than one lot with no street frontage.
- (3) Single-family attached dwellings and/or multifamily dwellings with no street frontage or limited street frontage may be allowed by the Director provided access is reasonably and readily available for each dwelling unit through the use of private streets, shared drives, parking lots, and/or other specifically identified limited common elements.
- (4) Single-family residential lots may be located on a loop lane providing access to a public street, provided the loop lane complies with standards in GJMC 21.05.020(e)(6).

(c) Sidewalks and Walkways

- (1) Each subdivision shall provide an integrated system of bikeways, walkways, and sidewalks to allow residents, customers, and the public to safely and directly access all principal uses, public areas, streets, bus stops, parking areas, and trash, recreation, and mail pickup facilities on bicycle and on foot.
- (2) Pedestrian circulation systems shall be separated by a curb or other physical barrier from motor vehicle and bicycle circulation areas to the maximum extent practicable.
- (3) Each subdivision shall provide internal walkways to allow pedestrians reasonably direct access from perimeter sidewalks to the major pedestrian entry of each principal building. If a surface parking lot is located between the principal building and the perimeter sidewalk, at least one pedestrian walkway through the parking lot to the major pedestrian entry of each principal building shall be provided.
- (4) Within each subdivision lot containing multiple principal buildings or principal uses, internal walkways not located adjacent to a street shall be included to provide reasonably direct connections between common points of pedestrian origin and destination.
- (5) Bicycle and pedestrian access points shall be provided at least every 750 linear feet any roadway within or abutting the subdivision.
- (6) Where the turn-around of a cul-de-sac is separated only from an arterial or collector street by lots accessed from the cul-de-sac, a pedestrian and bicycle easement or tract shall be provided between the turn-around of the cul-de-sac and the arterial or collector street. The design shall be consistent with TEDS (GJMC Title 29) and as shown below:

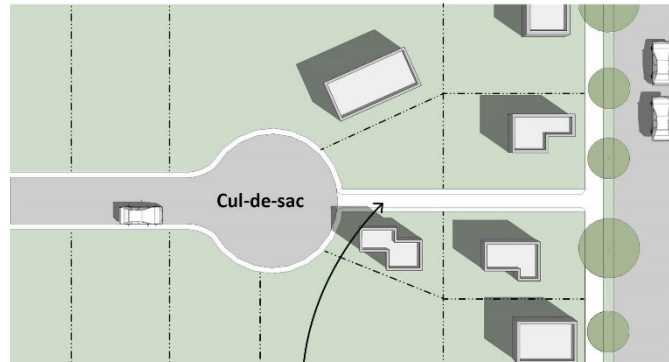


Figure 09.05-1 Cul-de-sac Connection Requirement

(d) Support for Public Transit

- (1) Each subdivision adjacent to or including an existing or planned or public bus transit route shall include streets designed to facilitate the use of public bus transit.
- (2) The Director may require each subdivision to dedicate and/or construct adequate waiting areas for bus stops in the locations adjacent to arterial or major collector streets identified by a public transit authority; and may also require that the subdivision include reasonably direct walkways to each bus stop area from each nearby street, commercial, industrial use, and public park or gathering area.

21.09.060 OPEN AND UNDEVELOPED SPACES

(a) Sensitive Lands and Unique Site Features

Each subdivision plat shall include and protect as much of the following open space as the Director deems reasonable to protect public health and safety based on the anticipated size, use, and impacts of the proposed development:

- (1) Stream beds and corridors, bluffs, ridges, steep slopes, mature trees and/or stands of native vegetation, rock outcroppings, wetlands, native upland ecosystems, riparian areas, and wildlife corridors;
- (2) Water features such as drainages, waste ditches, washes, canals, ditches, lakes, natural ponds, and retention and detention ponds; and
- (3) Natural, geologic, or other hazard areas, such as potentially unstable slopes, faults, landslides, rockfalls, expansive soils, and floodplains.

(b) Location and Integration of Open Space

- (1) The open space in each subdivision shall be located to create or enhance:
 - (i) Active and passive recreational opportunities,
 - (ii) Landscaped buffers or visual transitions between different types or intensities of land uses,
 - (iii) Community focal points,
 - (iv) Scenic vistas,
 - (v) Wildlife habitat,

- (vi) Passive water quality treatment, and/or
- (vii) Opportunities to accommodate multiple compatible uses rather than a single use.
- (2) The open space in each subdivision shall be located to be contiguous to and integrated with schools, parks, and other open spaces or public property in or near the subdivision or on neighborhood property to the maximum extent practicable.
- (3) Storm drainage, retention, and detention ponds shall be located, designed, maintained, planted, and managed to serve as visual amenities, entryway features, or opportunities for passive recreation within the subdivision.
- (4) Open space shall not be located in isolated areas or corners of the subdivision, in peripheral strips along the borders of rights-of-way or the subdivision, or in unconnected patterns unless the Director finds the proposed location would further one of the other goals described above.

(c) Public Access and Visibility

- (1) Open spaces in each subdivision shall be open, accessible, and visible to all residents of the subdivision and to the public using public streets, trails, and open spaces to the maximum extent practicable and consistent with public health and safety.
- (2) If a subdivision contains or abuts a publicly owned natural area, the Director may require the subdivision plat to include such easements and rights-of-way as are necessary to allow reasonable access for the public to such natural area. Conveyance to the public requirement or dedication to the City may be credited against any park or open space dedication or fee in lieu of such land required by the City, upon approval of the City Council.

21.09.070 NATURAL HAZARDS AND SIGNIFICANT NATURAL FEATURES

(a) Natural Hazards

If natural or geologic hazards exist within the property, the applicant shall comply with either subsection (1), subsection (2), or a combination of those approaches:

- (1) Identify the limits of development (as defined in subsection (b) below on the plat and include a plat note that those areas are not available for sale nor development;
- (2) Provide a report from a geotechnical engineer licensed in Colorado designating the specific mitigation measures or engineering precautions necessary to make such areas safe for development and occupancy, and include a plat note stating that development will be subject to those mitigation measures and engineering precautions although the specific design needed as a part of a building permit may occur as a part of the building permit; or

(b) Significant Natural Features

- (1) Each subdivision plat shall identify each of the following that exist within the area covered by the subdivision plat.
 - (i) All significant natural features, including but not limited to bluffs, ridges, steep slopes, stands of mature trees, rock outcroppings, wetlands, native upland ecosystems, riparian areas, and wildlife corridors; and

- (ii) All significant water features, including but not limited to drainages, washes, canals, ditches, lakes, natural ponds, and retention and detention ponds.
- (2) Each subdivision plat containing any of the features listed or referenced in subsection (1) shall show the limits of development established pursuant to subsection (c) below and shall include a plat note clearly stating that such areas are not available for sale or development.

(c) Limits of Development

Each subdivision plat shall specify the limits of development (LOD), which shall include all specific areas of a subdivision within which development and construction shall be limited or prohibited so that natural hazard areas are avoided and significant natural features are preserved. LODs shall be determined based on:

- (1) Available mapping of hazard areas and significant natural features;
- (2) Site topography, including but not limited to steepness of slopes, existing drainage features, rock outcroppings, river and stream terraces, valley walls, ridgelines, and scenic topographic features; and
- (3) The practical needs to give access to heavy equipment for the developed project and reasonable staging and operational areas. Plat notes shall indicate any areas in which construction or development activities are only permitted during build-out of the subdivision, and that shall thereafter be outside the LODs.

Chapter 21.10 Sign Standards

21.10.010 PURPOSE AND APPLICABILITY

This chapter governs exterior signs on real property. The proliferation and disrepair of signs can deter the effectiveness of signs, cause dangerous conflicts with traffic control signs and signals, and contribute to visual pollution to the detriment of the general public. No sign shall be displayed in any zone district without a Sign Permit, except where the provisions of this section expressly provide otherwise. Signs placed by a governmental entity are exempt from this section.

21.10.020 PROHIBITED SIGNS

Prohibited signs are signs that:

- (a) Contain an obscene statement, word, or picture describing or depicting sexual activities or sexual anatomical areas;
- (b) Contain, or are an imitation of, an official traffic sign or signal or contain the words: "STOP," "GO SLOW," "CAUTION," "DANGER," "WARNING," or similar words;
- (c) Are of a size, location, movement, content, coloring, or manner of illumination which may be confused with, or construed as, a traffic control device or which hide from view any traffic or street sign or signal;
- (d) Contain or consist of portable signs, tent signs, or strings of light bulbs not permanently mounted on a rigid background, except that one portable sign per business will be allowed next to the building in shopping areas where pedestrians circulate, so long as such portable sign is not placed in a parking lot or in any median, does not visually or physically obstruct vehicular or pedestrian circulation, and does not exceed 12 square feet in size and three feet in width;
- (e) Are erected after adoption of this Code and do not comply with the provisions of this regulation;
- (f) Do not comply with the laws, rules, and regulations of the State of Colorado as now or hereafter enacted and/or amended. See § 43-1-401 C.R.S., et seq.;
- (g) Create a hazard for, or impede safe or efficient movement of, motorists or pedestrians;
- (h) Are placed in whole or in part in, on or over any part of a public right-of-way, except where the sign is placed by a governmental entity. The Director has the authority to remove and dispose of any sign placed in or on or protruding into, onto or over any part of a public right-of-way without compensation to any person or entity; or
- (i) Are interactive signs that are readable with normal vision from the public right-of-way. Interactive signs readable from the public right-of-way are prohibited because they distract drivers and pedestrians so as to constitute a significant safety risk.

21.10.030 SIGNS THAT DO NOT REQUIRE A PERMIT

The following signs are allowed on a lot/parcel in any zone district:

- (a) One sign that is integral to or flush-mounted on a building or structure that is no greater than four square feet in area.
- (b) A sign that is not illuminated, not digital or electronic, and not permanent in nature; for example, one that is planted into the ground or affixed to an object or structure by temporary means, does not have a foundation, is made of lightweight and thin materials such as a single sheet of plastic, thin metal, plywood or paper, except for wind driven signs and banners which are regulated separately in GJMC 21.10.040, and except for prohibited signs discussed in GJMC 21.10.020, with the following limitation:
 - (1) On a parcel of less than one acre, up to six such signs are allowed, so long as each sign is not greater than six square feet in area, except in that one of these signs may be up to 32 square feet in area when construction is occurring on a parcel or a subdivision of land is being developed.
 - (2) On a parcel of one acre or larger, up to six such signs per acre are allowed, so long as each sign is not greater than six square feet in area, except that one sign per acre can be up to 32 square feet in area.

21.10.040 WIND DRIVEN SIGNS AND BANNERS

- (a) A banner permit shall be required prior to any use of wind driven signs or banners.
- (b) Banners and wind driven signs shall meet all standards set forth in GJMC 21.10.070.
- (c) Banners and wind driven signs may be displayed for a up to 30 consecutive days up to four times in a 12-month calendar year. Permit periods may run consecutively.
- (d) All banners must be secured directly to the structure, fence, or post that is permanently affixed to the ground.
- (e) All wind driven signs must be professionally made, must be in good repair and appearance, and must also be so located and installed so as not to pose a safety hazard for motorists or pedestrians. Such signs shall not be attached to any object located in the public right-of-way.
- (f) In addition to other available penalties, failure to comply with the terms of a permit issued under this section shall result in the loss of a permit.

21.10.050 NONCONFORMING SIGNS

- (a) All signage on site shall be brought into conformance with this Code prior to approval of any new Sign Permit on the property.
- (b) Any nonconforming sign that has been damaged in excess of 50 percent of its replacement cost by fire, wind or other cause except vandalism shall not be restored without conformance with the provisions of this regulation.
- (c) Sign face changes are allowed without a permit, including converting from static display to digital/electronic display, if no other changes are made to the sign size, height, or structure. Digital and electronic signs must comply with regulations governing such.

21.10.060 DIGITAL OR ELECTRONIC SIGN STANDARDS

(a) Purpose and Intent

Advancements in technology permit signs to change copy electronically, utilizing LED, LCD, and other technologies. The impacts of these may disrupt the peace and quiet enjoyment of other properties in the area and create traffic hazards. Limitations on brightness is necessary in order to mitigate these impacts, protect public health and safety, and preserve the character of areas, especially residential neighborhoods.

(b) Brightness

- (1) The maximum brightness levels for signs shall not exceed 0.3 (three tenths) footcandles over ambient light levels. Measurements of light are based on the area of the sign versus measurement of the distance. Using a footcandle meter, brightness shall be in conformance with the following distance table:

| Area of Sign (sq. ft.) | Measurement of Distance (ft. from sign) |
|------------------------|---|
| 0-10 | 30 |
| 10-24 | 45 |
| 25-49 | 55 |
| 50-99 | 90 |
| 100-149 | 110 |
| 150-199 | 135 |
| 200-300 | 150 |

- (2) The measurement shall be conducted at least 30 minutes after sunset or 30 minutes before sunrise. Certification must be provided to the City upon installation that the sign has been preset to automatically adjust the brightness to these levels or lower. Re-inspection and recalibration may be periodically required by the City at the permittee's expense, to ensure that the specified brightness levels are maintained at all times.
- (3) Interactive signs are prohibited.
- (4) All new electronic display signs shall have photocell technology that will be used to dim the displays for appropriate nighttime viewing from dusk to dawn or when ambient light conditions warrant such changes.

21.10.070 GENERAL REQUIREMENTS

(a) All Zone Districts

The following requirements shall apply to all signs in all zone districts unless otherwise indicated:

- (1) A permit is required for placement or display of any new sign, except where otherwise stated or where specifically exempted by the provisions of this section.

- (2) Touching up, repainting, or changing existing letters, text, symbols, graphics, or other content is considered maintenance and repair and does not require a permit.
- (3) Only a licensed sign contractor can obtain a Sign Permit.
- (4) All signs shall be permanent in nature except for those nonpermanent signs allowed under GJMC 21.10.030.
- (5) All exterior signs shall be engineered to withstand a minimum wind load of 30 pounds per square foot.
- (6) No sign shall be placed on any curb, sidewalk, post, pole, hydrant, bridge, tree, or other surface located on public property including the posting of handbills except as expressly authorized by this section.
- (7) Regardless of sign allowances by zone district, no single sign shall exceed 300 square feet in area.

(b) Sign Measurement

- (1) The total surface area of one sign face of freestanding signs and projecting wall signs shall be counted as part of the maximum total surface area allowance. Sign enhancement features such as bases, pillars, and other decorative elements as part of monument signs shall not be counted as part of the maximum square footage of the sign, provided such features do not exceed the size of the sign face.
- (2) The total surface area of all sign faces of roof signs shall be counted as part of the maximum total surface area allowance.
- (3) For measurement of different shapes of signs, see the graphics below.
- (4) The total surface area of three-dimensional figures shall be counted as part of the maximum sign allowance.
- (5) The area of flush wall signs with backing or a background that is part of the overall sign display or when backed by a surface which is architecturally a part of the building shall be measured by determining the sum of the area of each square, rectangle, triangle, portion of a circle or any combination thereof which creates the smallest single continuous perimeter enclosing the extreme limits of each word, written representation (including any series of letters), logo or figure including all frames, face plates, nonstructural trim or other component parts not otherwise used for support.
- (6) The area of a I sign shall be determined to be the sum of the area of each of the smallest perimeter enclosing the limits of each work and written or graphic representation, including letter, number, character, and/or logo used for advertising, offering, or merchandising a product, or for service identification. The area of a mural painted on a wall shall not be included in the sign area calculation.

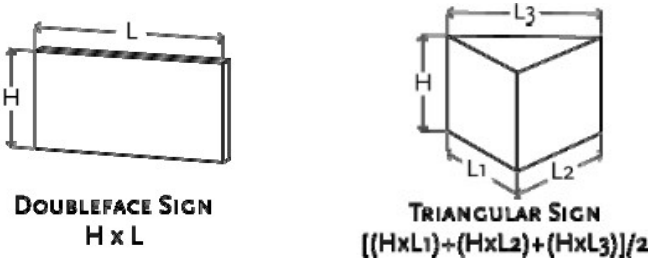


Figure 10.07-1 Sign Area Measurement

- (7) Only one display face is measured if the sign faces are parallel or form an interior angle of less than or equal to 60 degrees provided that the signs are mounted on the same structure. If the faces are of unequal area, then sign area is equal to the area of the larger face.

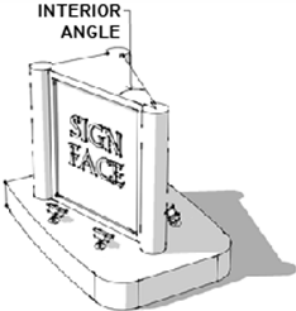


Figure 10.07-2 Sign Face Area Measurement

(c) Sign Illumination

No illumination of a sign is permitted unless the following criteria are met:

- (1) The light from any illuminated sign shall be so shaded, shielded and directed that the light intensity or brightness shall not be objectionable to surrounding areas.
- (2) Neither the direct or reflected light from a light source shall create a traffic hazard to operators of motor vehicles on public thoroughfares or approaches to public thoroughfares.
- (3) No exposed reflective type bulb or incandescent lamp, which exceeds 40 watts, shall be used on the exterior surface of a sign to expose the face of the bulb, light or lamp to any public street or adjacent property.
- (4) Electrical service provided to illuminated signs may require an electrical permit from the Building Department.

(d) Identification and Marking

Each sign requiring a permit shall bear an identification plate stating the following information:

- (1) Date the sign was erected; and
- (2) Name of person, firm, or entity responsible for its construction and erection.

(e) Temporary Use Signs

Sign(s) placed in connection with a temporary use that requires a Temporary Use Permit shall conform to the requirements, conditions, and terms of the Temporary Use Permit.

21.10.080 SIGN STANDARDS BY ZONE DISTRICT

The following restrictions and requirements apply to permanent signs in the given zone districts.

(a) All Zone Districts

Any property containing a nonresidential use that abuts an arterial street may be permitted to have one monument style sign on one such frontage that meets the requirements of subsection (d) of this section.

(b) Residential Zone Districts

One permanent sign per residential lot not exceeding six square feet in area is allowed, subject to the standards below.

- (1) One permanent monument sign up to 32 square feet in area is allowed at a multifamily apartment/condominium building/complex and on each common area parcel that abuts a public right-of-way; for purposes of this subsection, "common area parcel" means a parcel that is owned by a homeowners' association for the benefit of all lot owners in a planned community, common interest community or condominium.
- (2) For a nonresidential use in a Residential zone district, one sign not to exceed 24 square feet in area is allowed per street frontage.
- (3) Location. Permitted signs may be anywhere on the property. If freestanding, the top shall not be over eight feet above the ground. If building-mounted, the sign shall be flush-mounted and shall not be mounted on a roof of the building or project above the roof line.
- (4) Illumination. Indirect or internal illumination only shall be utilized for letter faces and/or logos.

(c) MU-1 District

(1) General

The MU-1 zone district provides a transition from residential to commercial development and consequently requires more restrictive sign regulations to maintain compatibility.

(2) Types Allowed

Flush wall signs and monument signs shall be the only sign types allowed.

(3) Location and Size

Signs shall be located at least 10 feet behind the front property line. Total sign area shall not exceed 25 square feet per street frontage. The sign allowance for one street frontage may be transferred to a side of a building that has no street frontage, but cannot be transferred to another street frontage. Monument signs shall not exceed eight feet in height.

(4) Illumination

Signs may be externally illuminated; no other illumination of signs is allowed. All lights used for illumination of signs shall be arranged so as to confine direct light beams to the lighted sign and away from adjacent residential properties and out of the direct vision of motorists passing on adjacent streets. Illumination of signs shall comply with GJMC Chapter 21.11 and shall be limited to authorized business hours.

(5) Sign Area

The area of flush wall signs and monument signs shall be calculated as per the graphics shown under GJMC 21.10.070(b).

(d) All Other Mixed-Use and Industrial Zone Districts

(1) General

This section shall apply to the MU-2, MU-3, P-2, CG, I-OR, I-1, and I-2 zone districts.

(2) Types Allowed

Signs in the Mixed-Use and Industrial zone districts may include facade signs, flush wall signs, freestanding signs, projecting signs and roof signs. All signs allowed in Residential zone districts are also allowed in Mixed-Use and Industrial zone districts.

(3) Location and Size

Permitted signs may be anywhere on the premises except as specifically restricted in this subsection (see specific sign type and pertinent zoning regulation). The total amount of signage to be allowed on any property shall not exceed the sign allowance as calculated in accordance with subsection (d)(5)(ii) or (d)(7)(ii) of this section, whichever is greater. No single sign may be larger than 300 square feet. No projecting sign may exceed the allowances in subsection (d)(6) of this section.

(4) Illumination

Unless specifically prohibited, all of the following signs may be illuminated within the limits allowed under GJMC 21.10.070(c) and GJMC Chapter 21.11.

(5) Facade Signs, Flush Wall Signs and Roof Signs

- (i) The sign allowance shall be calculated on the basis of the area of the one building facade that is most nearly parallel to the street that it faces. Each building facade which faces a dedicated public street shall have its own separate and distinct sign allowance. The sign allowance for facade signs and flush wall signs on buildings located on interior lots (lots not on a corner) which are oriented perpendicular to the street shall be based on the longer building facade. The total sign allowance, or any percentage thereof, of one frontage may be transferred to a building facade that has no frontage on a dedicated public street, provided the transferred amount does not exceed two square feet of sign area per linear foot of the facade on which it is being placed.
- (ii) Two square feet of sign area shall be allowed for each linear foot of building facade for facade signs, flush wall signs and roof signs. The measurement of a roof sign shall be

based on the square footage of each sign face. Flush wall signs may extend up to 12 inches from the face of the building if the base of the sign is at least eight feet above ground level. (Show window signs in a window display of merchandise when incorporated with such display will not be considered part of the total sign allowance.)

- (iii) On any building which allows facade signs, flush wall signs, roof signs, or projecting signs, a maximum of two of these types may be used. If a flush wall sign and roof sign are used, the sign allowance of two square feet per linear foot of building may be divided between the two types of signs. If either a flush wall sign or roof sign and a projecting sign are used, the allowance for the projecting sign shall be subtracted from the flush wall sign or roof sign allowance.
- (iv) Roof signs shall be manufactured such that no guy wires, braces, or secondary supports shall be visible. Maximum height for roof signs shall be such that height of the structure and the sign together do not exceed the maximum height for the zone district.
- (v) One sign that is flush-mounted on the rear facade of a structure that is no more than 16 square feet in area is allowed, which sign does not count toward the total sign allowance for the parcel or building (if there is more than one such sign, the other(s) shall count toward the total sign allowance).

(6) Projecting Signs

Signs may project up to 72 inches from the face of the building if located eight feet or more above grade. They shall not project beyond the back of curb, nor within two feet of the edge of the roadway if there is no curb. Total area per sign face shall not exceed one-half square foot per linear foot of building facade. If the projecting sign is the only sign mounted on the building, the minimum sign allowance shall be 12 square feet.

(7) Freestanding Signs

Freestanding signs shall comply with the following requirements:

- (i) No more than one freestanding sign shall be permitted for any parcel for each street frontage. The sign allowance per frontage can only be used on that frontage and shall not be transferred to any other frontage, except where otherwise provided.
- (ii) Maximum sign allowance shall be calculated by the linear front foot of property on a public street right-of-way in conformance with the following:
 - (A) Two traffic lanes: Maximum area of sign per face per front foot of property, three-quarters square foot; maximum height, 25 feet.
 - (B) Four or more traffic lanes: Maximum area of sign per face per front foot of property, one and one-half square feet; maximum height, 40 feet.
- (iii) Signs may be installed at street right-of-way line. The sign face may project up to 72 inches into the right-of-way, if located 14 feet or more above grade, but shall not project closer than 24 inches to the back of the curb. If the existing street right-of-way width is less than that required in this Code, the distance shall be measured from the

line of such right-of-way as required by this Code rather than from the existing right-of-way line. Ute and Pitkin Avenues shall be calculated using four lanes.

- (iv) On a corner lot, a freestanding sign shall not be placed within the sight distance triangle, as defined in TEDS (GJMC Title 29), unless free air space is maintained as provided in TEDS (GJMC Title 29). A single pipe support with no sign structure or copy shall not be considered a violation of the free air space requirement.
 - (v) In addition to freestanding signs as allowed above, up to two additional freestanding signs per street frontage, not greater than three square feet in area and no more than 30 inches in height, are allowed.
 - (vi) When electrical service is provided to freestanding signs, all such electrical service shall be underground.
 - (vii) All freestanding signs shall require a building permit in addition to a sign clearance.
- (8) Flush wall or freestanding sign(s) with text so small as to not be readable with normal eyesight from a public right-of-way are allowed, so long as such sign does not exceed 32 square feet in area. Such signs shall not count toward the total sign allowance or the maximum freestanding sign allowance.

(e) Outdoor Advertising Signs

Outdoor advertising signs erected on ground or wall locations (and roof locations done within the regulations and limitations of roof signs) shall only be permitted in the C-2 (general commercial) and I-1 and I-2 (industrial) zone districts, subject to the following conditions, limitations, and restrictions:

(1) Height Limitations

No outdoor advertising sign shall be erected higher than 40 feet above the level of the street or road upon which the sign faces, or above the adjoining ground level if such ground level is above the street or road level. No outdoor advertising sign shall have a surface or face area exceeding 300 square feet in area or containing less than 15 square feet in area.

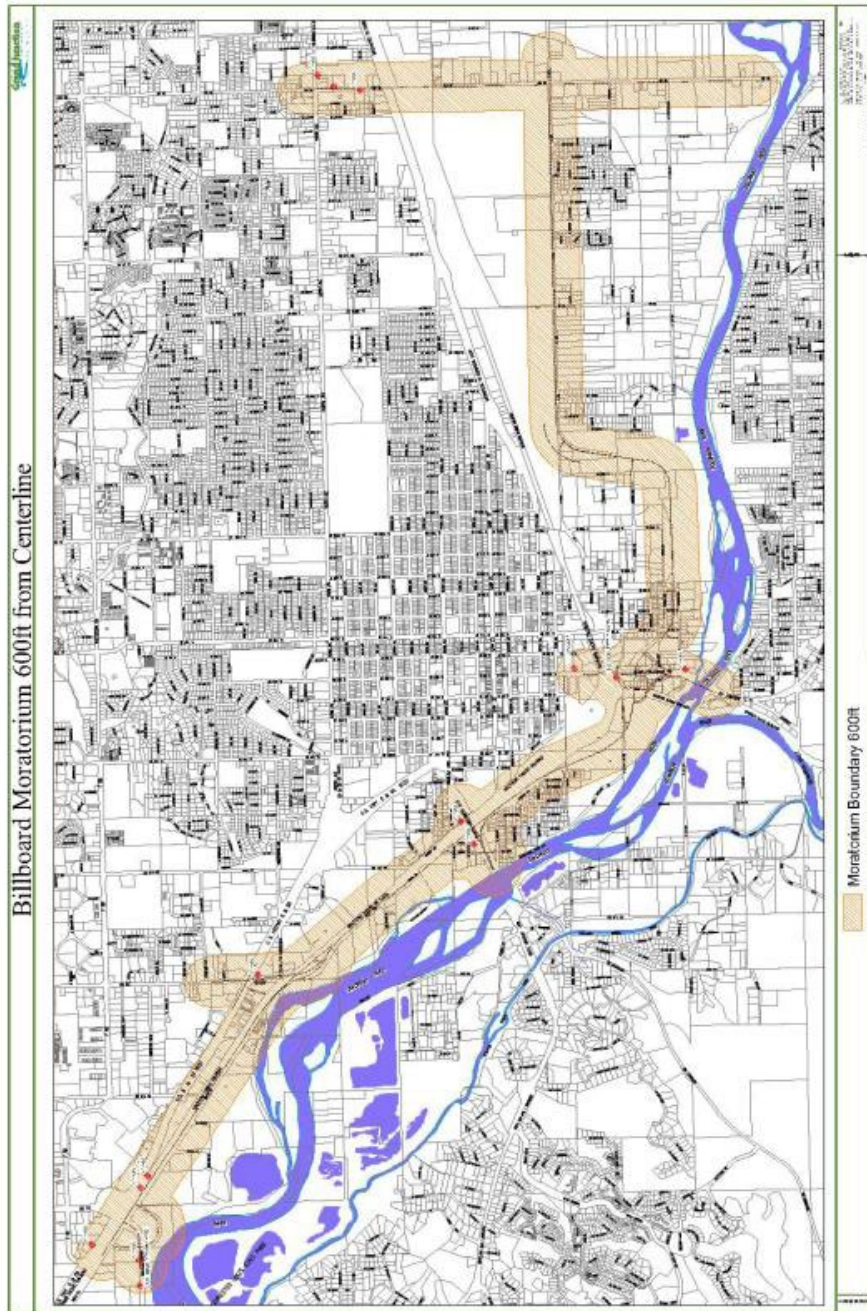
(2) Distance

For each square foot of surface or facing of the sign, two feet of space from adjacent outdoor advertising signs shall be maintained. Such distances shall be determined by using the largest sign as criterion. For example, no sign can be erected closer than 600 feet to an existing 300-square-foot sign. A maximum of one outdoor advertising sign shall be allowed per lot or parcel of land.

(3) Location

- (i) A sketch, drawn to scale, depicting the size and location of the proposed billboard shall be provided. The sketch shall be prepared by a licensed surveyor and shall indicate dimensions from the proposed billboard to the closest adjacent aliquot section line and shall include coordinates. The sketch shall also include the location of the proposed billboard to the nearest adjacent right-of-way line, if applicable. The sketch shall be signed and sealed by the surveyor.

- (ii) Outdoor advertising signs shall not be located within 600 feet from the centerline of the Riverside Parkway as depicted below.



(4) Illumination

Outdoor advertising signs that are illuminated by indirect or external illumination shall use only downward facing, downcast light to confine direct light beams to the sign and out of the direct vision.

(5) Prohibited Signs

Prohibited signs are signs that do not comply with the laws, rules, and regulations of the State of Colorado as now or hereafter enacted or amended. See § 43-1-401 C.R.S., et seq.

(f) P-1 and P-2 Districts

Signage on a property zoned P-1 or P-2 shall be limited to signage allowed in the surrounding zone districts.

(g) Planned Developments

No sign other than those permitted in any zone district in GJMC 21.10.030 shall be allowed on properties in a planned development zone unless the sign has been approved as part of the development plan. Variance of the maximum total surface area of signs shall not be permitted, but the maximum sign allowance for the entire development or use may be aggregated and the total allowance redistributed.

(h) Sign Packages

A site or sites that consist of more than one developed parcel of land that are abutting and function as one through the sharing of vehicular access through, across, over, entrance onto, and/or exit from the site and/or parking (such as a shopping center) may be considered for a sign package through a sign package permit. Variance of the maximum total sign allowance shall not be permitted, but the maximum sign allowance for the entire site or sites may be aggregated and the total allowance redistributed for the same type of sign. For example, freestanding sign allowance may be redistributed among freestanding signs, but a freestanding sign allowance may not be redistributed for a facade sign. See GJMC 21.02.040(i).

21.10.090 REMOVAL AND DISPOSITION OF SIGNS

(a) Maintenance and Repair

No person shall allow, on any premises owned or controlled by him, any sign that is in a dangerous or defective condition.

- (1) The Director shall require the owner of the sign and/or the owner of the premises upon which it is located to remove or repair any such sign. In cases of immediate danger to the public due to the defective nature of a sign, the Director may have the sign removed and assess the costs of the removal against the property. Such assessment shall constitute a first and prior lien on the property, equivalent to ad valorem taxes, and shall be collected in the same manner as the real estate taxes on the property.
- (2) All signs shall be safe and maintained in good appearance as well as safety including the replacement of defective parts, painting, repainting, cleaning, and other acts required for proper maintenance. Failure to properly maintain a sign shall be a violation of this Code.

(b) Abandoned Signs

- (1) Signs are allowed on otherwise vacant property so long as a permit is obtained (unless a permit is otherwise expressly not required) and so long as the sign allowance for the zone district is adhered to. However, a sign structure that has no content or is “blank” and has fallen into disrepair and which is located on property which is unoccupied for a period of 12 consecutive months or more shall be deemed abandoned.
- (2) An abandoned sign is prohibited; the owner of the sign or the owner of the premises shall remove the sign and supporting structure. An abandoned sign which is not removed in a timely manner may be removed by the Director under the provisions of this section.

21.10.0100 REGULATED CANNABIS BUSINESS SIGNAGE AND ADVERTISING

(a) General

- (1) All signs and advertising for regulated cannabis stores shall comply with all applicable provisions of the Colorado Marijuana Code, any regulations adopted pursuant thereto, the provisions of this chapter and of Chapter 5.13 GJMC, and the City’s ordinances and regulations regarding signs and advertising.
- (2) No sign shall use the terms “pharmacy,” “pharmacist,” “pharmaceutical,” “rx,” or any other similar variation of such terms as its corporate, business, or “doing business as” name, so as to prevent a reasonable person from concluding such business is involved in the practice of pharmacy, as regulated by Pharmaceuticals and Pharmacists, C.R.S. Article 22 of Chapter 12. Additionally, no regulated cannabis stores may use any of the above terms or any similar variation thereof in any of its signs, placards, promotional, or advertising materials. Additionally, no signs that mimic or allude to pharmacy or medical related symbols, including but not limited to medical style crosses regardless of proportions or colors, shall be used or displayed in nonmedical regulated cannabis stores.
- (3) No sign shall include advertising material that is misleading, deceptive, or false or that, as evidenced by the content of the advertising material or by the medium or the manner in which the advertising material is disseminated, is designed to appeal to persons under 21 years of age.

(b) Maximum Sign Dimensions

- (1) For properties that lie within an existing overlay district regulated by GJMC Title 22, 24, 25, 26, or 27 the specific regulations within the overlay shall apply.
- (2) For all other properties within the City, only flush wall mounted signs or monument signs shall be allowed. Maximum sign allowances shall be calculated according to the provisions of this chapter and subject to the following limitations:
 - (i) Maximum height: 20 feet; and
 - (ii) Maximum area: 150 square feet per sign face.

(c) Signs Not Requiring a Permit

Signs and advertising not requiring a permit include:

- (1) Sign-wavers or other natural persons standing in the public. No regulated cannabis stores shall advertise with sign-wavers or other natural persons within the buffering distances from specified land uses as provided in GJMC 21.04.030(d)(8)(iii).
- (2) Any advertisement contained within a newspaper, magazine, or other periodical of general circulation within the City or on the internet, which may include coupons.
- (3) Any nonconsumable merchandise or accessories.
- (4) A booth at an adult event or job fair where the only items distributed are company or educational materials and no other items are distributed, shown, or sold.
- (5) Business cards within the business or handed directly to an individual who is over the age of 21.
- (6) Showing a government-issued verification of age or military status, or registration for a charitable event, or similar item the showing of which, without providing a separate printing to the business, entitles the holder to a discount for a particular product or service.
- (7) Company materials and educational materials distributed inside the cannabis business.

Chapter 21.11 Outdoor Lighting

21.11.010 PURPOSE

The purpose of this section is to:

- (a) Minimize light pollution, light trespass, and glare;
- (b) Conserve energy and resources;
- (c) Provide safe roadways for motorists, bicyclists, and pedestrians;
- (d) Promote wildlife habitation and migration by minimizing light pollution into and adjacent to habitat areas;
- (e) Ensure sufficient lighting can be provided where needed to promote safety and security; and
- (f) Protect and reclaim the ability to view the night sky.

21.11.020 APPLICABILITY

(a) Applicability

This section shall apply to all lighting installed on new development, development that increases the gross floor area of the development by more than 10 percent and use changes that require an increase in parking as well as all replacement lighting.

(b) Exemptions

The following are exempt from this section:

- (1) Luminaires with lamps of 100 watts or less on residential structures in Residential zone districts existing prior to April 5, 2010;
- (2) Emergency lighting used by police, fire fighting, or medical personnel, or at their direction;
- (3) Traffic control devices and luminaires on these devices installed by the City or other governmental entity;
- (4) Navigational lighting systems at airports and other lighting necessary for aircraft safety;
- (5) Holiday lighting and seasonal decorations using typical unshielded low-intensity incandescent lamps; and
- (6) Lighting for temporary festivals, carnivals, or other special events lasting less than 14 consecutive days, provided the lighting turned off within 30 minutes after the last event of each day.

21.11.030 PROHIBITED LIGHTING

The following types of outdoor lighting are prohibited:

- (a) Any lighting that could interfere with the safe movement of motor vehicles, bicycles, or pedestrians on public or private streets;
- (b) Searchlights and rotating beacons;
- (c) Laser, strobe, and or flashing light sources or any similar high intensity light for outdoor advertising or entertainment;

- (d) Mercury vapor and low-pressure sodium lighting;
- (e) Upward-directed lighting that allows spillage into the sky; and
- (f) Tower lighting, unless required by the Federal Aviation Administration (FAA).

21.11.040 LIGHTING PLAN REQUIRED

A lighting plan shall be submitted for all uses that require the submittal of a Major or Minor Site Plan review as set forth in GJMC 21.02.040(k).

21.11.050 GENERAL STANDARDS

(a) Lighting Types and Efficiency

- (1) LED or other high efficiency light fixtures shall be used to the maximum extent practicable.
- (2) All light fixtures shall generate at least 80 lumens per watt of energy consumed, as shown on the manufacturers' specifications for the fixture.
- (3) All exterior lighting shall have a correlated color temperature (CCT) below 3,001 Kelvin degrees. The CCT of lighting may exceed 3,000 Kelvin if the Director determines that accurate color rendition is crucial to public safety, which shall be reasonably given. In no case shall the CCT of such lighting exceed 5,000 Kelvin.

(b) Lighting Height

No light fixtures shall be mounted more than 35 feet above the ground unless as a part of an approved sports field or outdoor amphitheater.

(c) Shielding and Light Trespass

- (1) All light fixtures shall be aimed and shielded so that the direct illumination shall be confined to the property boundaries of the light source. Lighting shall not be aimed onto adjacent properties, except in cases of shared parking, shared pedestrian pathways, or for coordinated development sites spanning multiple parcels.
- (2) Lighting fixtures shall not be directly visible from adjacent roadways or residential uses and shall not interfere with the safe operation of vehicles moving on or near the site.
- (3) Light sources shall be concealed or shielded with luminaires with cut-offs with an angle not exceeding 90 degrees to minimize the potential for glare and unnecessary diffusion on adjacent properties.

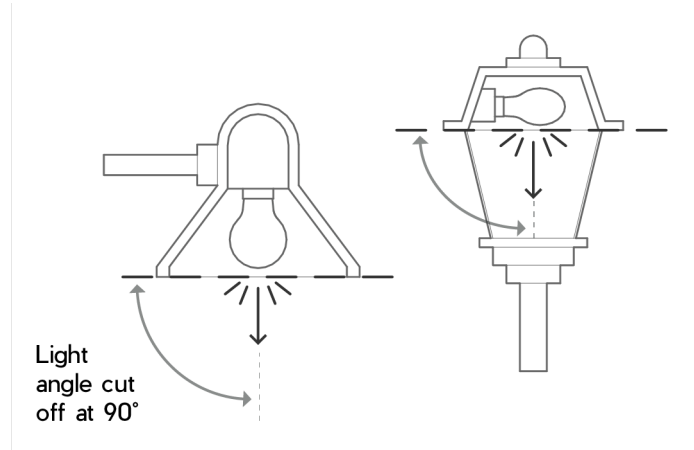


Figure 11.05-1 Light Shielding

- (4) Light levels measured at the property line of the development site shall not exceed 0.2 footcandles as a direct result of the on-site lighting.

(d) Lighting Output Levels

All lighting used to illuminate buildings, parking lots, walkways, or other site features, with the exception of lighting for public streets, shall comply with the following minimum and maximum outputs.

| Table 21.11-1: Lighting Level Requirements | | |
|--|-----------------------|-----------------------|
| Area | Minimum (footcandles) | Maximum (footcandles) |
| Building Entries (Nonresidential) | 1.0 | 10.0 |
| Bicycle Paths and Pedestrian Walkways | 0.6 | 10.0 |
| Loading and Unloading Platforms | 5.0 | 20.0 |
| Parking Areas | 0.6 | 10.0 |
| Playgrounds | 5.0 | 10.0 |
| Under-Canopy Areas | 5.0 | 20.0 |

(e) Lighting Controls

- (1) Floodlights shall not be used to light all or any portion of any building facade between the hours of 10:00 p.m. and 6:00 a.m.
- (2) All exterior lighting not necessary for security purposes shall be reduced, activated by motion sensor devices, or turned off during non-operating hours. Any illumination between 10:00 p.m. and sunrise shall use full cutoff light fixtures and be reduced to levels sufficient for security purposes only.

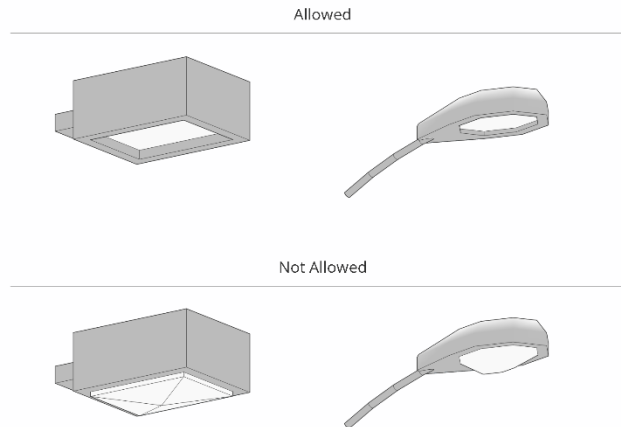


Figure 11.05-2 Full Cutoff Light Fixtures

21.11.060 STANDARDS FOR SPECIFIC LIGHTING TYPES

(a) Parking Areas

- (1) The maximum height of required lighting is 35 feet, measured from the parking surface to the top of the lighting fixture. Lighting located near buildings and adjacent to sidewalks shall not exceed 12 feet in height.

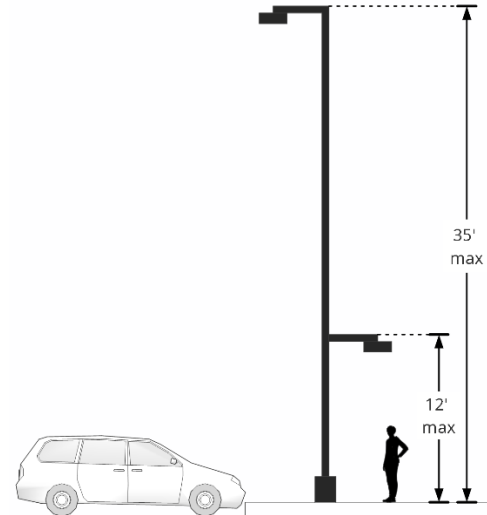


Figure 11.06-1 Parking Lot Lighting Height

- (2) The total lighting output in parking areas shall meet the requirements set forth in Table 21.11-1 above.

(b) Canopy Lighting

- (1) Canopy lights, such as service station lighting, shall be fully recessed or fully shielded so as to ensure that no light source is visible from or causes glare on public rights-of-way or adjacent properties.

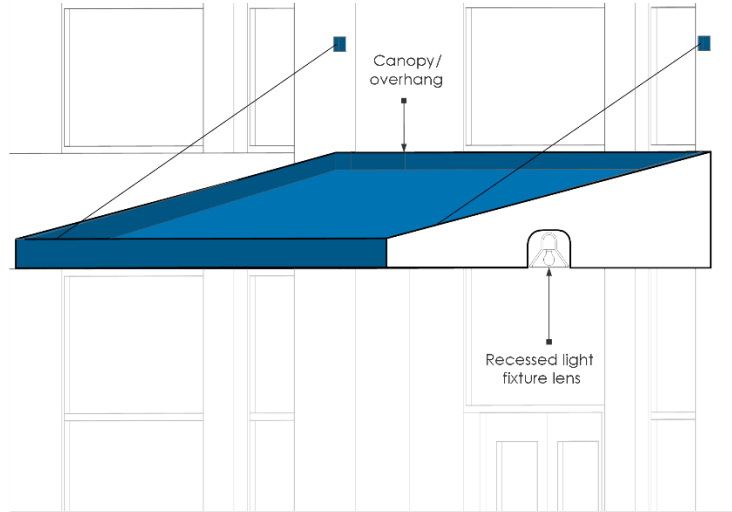


Figure 11.06-2 Canopy Lighting

- (2) The total lighting output of canopies shall meet the requirements set forth in Table 21.11-1 above.

(c) Pedestrian-Scale Lighting

Low-level pedestrian lighting may be used along walkways pursuant to the following:

- (1) The lighting fixture shall direct light downward;
- (2) The lighting fixture shall use shatterproof lamp coverings;
- (3) The lighting fixture shall not be located to present hazards for pedestrians or vehicles; and
- (4) Post or bollard-type lights shall be mounted no higher than four feet above grade.

Chapter 21.12 Nonconformities

21.12.010 NONCONFORMITIES IN GENERAL

(a) Continuation

A nonconformity may be continued in accordance with the appropriate provisions in this chapter.

(b) Types of Nonconformity

There are several types of nonconformities that may exist, as follows:

- (1) Nonconforming uses (GJMC 21.12.020).
- (2) Nonconforming structures (GJMC 21.12.030).
- (3) Nonconforming sites, including parking, landscaping, and screening/buffering (GJMC 21.12.040).
- (4) Nonconforming lots (GJMC 21.12.050).
- (5) Nonconforming signs (GJMC 21.10.050).

(c) Evidence of Status

Evidence of the status of a nonconforming use shall be supplied by the owner of the property upon request of the Director.

(d) Abandonment

The following standards apply to abandoned nonconformities. Evidence of intent to abandon is not required.

(1) Nonresidential Nonconformities

A nonconforming use or structure that has been discontinued for any 12-month period for whatever reason shall be considered to be abandoned and shall not be reestablished. Any use or structure on the property after that time shall conform to all provisions of this Code.

(2) Residential Nonconformities

- (i) A nonconforming residential use, other than a single-family dwelling, that has not been occupied for a continuous period of 12 months, for whatever reason, shall be considered to be abandoned and shall not be reoccupied except in conformance with all applicable provisions of this Code.
- (ii) A nonconforming single-family dwelling that has not been occupied for a continuous period of 12 months or longer shall not be considered to be abandoned and may be reoccupied at any time provided the structure has not been changed, legally or illegally, to a nonresidential use or multiple-unit residential use.
- (iii) Removal of a nonconforming mobile home or manufactured home, not in a mobile home park, from its foundation or pad for a continuous period of 12 months shall constitute abandonment of the use and placement of a new unit must comply with the provisions of this Code.

(e) Time Extensions

The Zoning Board of Appeals may permit one extension of up to 12 additional months to the time periods for abandonment, obtaining a building permit or completing construction, provided the applicant can demonstrate circumstances out of their control have prevented a good faith attempt to reestablish or rebuild the nonconforming use and/or structure. Such circumstances may include the health of the applicant, court proceedings, failure to reach an insurance settlement, acts of God, or similar hardships.

(f) Variance

The Zoning Board of Appeals may vary the provisions of this chapter. Application and processing shall be in accordance with the provisions of GJMC 21.02.050(p).

21.12.020 NONCONFORMING USES

(a) Continuation

A lawful use made nonconforming by the adoption of this Code or other City ordinances may continue only for so long as such use is not abandoned, expanded, increased, or changed, except as provided in this section.

(b) Nonresidential Uses

(1) Expansion

In a nonresidential zone, on a parcel of land on which there exists an otherwise lawful nonconforming use, an existing structure and/or an outdoor operations/storage/display area may be expanded provided all other provisions of this Code are met. Nonconforming use shall not be expanded in any Residential zone district.

(2) Change of Use

No use shall be changed to a conforming use until the Director has determined that the requirements of the zone district will be met. The Director may approve a different use, provided such use is deemed by the Director to be less intense than the existing use. Prior to approval, the Director shall determine that traffic generation and parking requirements for the new nonconforming use are less than what was required for the existing use. No change to a more intense nonconforming use is allowed.

(3) Destruction

A nonconforming nonresidential use that is damaged may be reestablished following approval by the Director in accordance with the following:

- (i) A use may only be reestablished within a conforming structure.
- (ii) All restorative and other work must conform to adopted building codes.
- (iii) A building permit must be issued within two years from the date of the damage.
- (iv) The certificate of occupancy (or other final inspection) must be issued as provided by adopted codes.

(c) Residential Uses

A “nonconforming residential use” is a structure which contains more dwellings than allowed by the zone or is a dwelling located in a nonresidential zone that does not permit residential uses.

(1) Expansion

In all zone districts, a residential use may be expanded by up to 20 percent of the gross floor area as it existed on April 5, 2010, if no additional dwelling units are created and all other provisions of this Code are met. Accessory structures for a nonconforming residential use such as a garage or storage shed shall be allowed if the provisions of GJMC 21.04.040 are met. Accessory dwelling units shall not be permitted.

(2) Destruction

Nonconforming residential uses that are damaged may be reestablished in accordance with the following:

- (i) All portions of the structure being restored are not and were not on or over a property line;
- (ii) The number of dwelling units does not increase;
- (iii) All construction is in compliance with current construction codes, such as the fire and building codes;
- (iv) A Building Permit is obtained within one year from the date of the damage; and
- (v) The Certificate of Occupancy (or other final inspection) is issued within two years of the issuance of the building permit.

21.12.030 NONCONFORMING STRUCTURES

(a) Continuation

A lawful structure as of April 5, 2010, that is nonconforming due solely to failure to meet the dimensional standards or performance standards pertaining to a structure and criteria of the underlying zone may be used for any purposes permitted in the zone so long as the use is in conformance with the provisions of this section.

(b) Maintenance and Restoration

A nonconforming structure may be maintained or restored provided no expansion of the nonconformity occurs. The cost of the maintenance, restoration or remodeling shall be as shown on the approved building permit application and the current fair market value of the existing structure shall be based on improvement value as determined by the Mesa County Assessor or an appraisal performed by a certified general appraiser licensed to do business in the State of Colorado utilizing the “cost” approach. This appraisal shall be performed at the applicant’s expense. The Mesa County Assessor’s appraisal may be used if not more than 12 months old.

- (1) Maintenance, restoration, or remodeling projects that cost 25 percent or less of the current fair market value of the structure shall not require any correction to existing nonconforming parking, landscaping or screening/buffering other than what may be required by fire and building codes.

- (2) Maintenance, restoration, or remodeling projects that cost more than 25 percent, but less than 75 percent, of the current fair market value of the structure shall require a corresponding percentage increase in compliance with the landscaping requirements of this Code until the site achieves 100 percent compliance. For example, if a site has only 20 percent of the required landscaping and the cost of the remodeling is 30 percent of the value of the building, then 30 percent of the required landscaping shall be provided.
- (3) Maintenance, restoration, or remodeling projects that cost 76 percent or greater of the current fair market value of the structure shall require 100 percent compliance with the landscaping requirements of this Code.
- (4) Maintenance, restoration, or remodeling projects that require an increase in landscaping shall have up to 24 months after the issuance of a certificate of occupancy (or other final inspection) to install the required landscaping and related improvements. A Development Improvements Agreement (DIA) with financial security shall be required for the cost of all landscaping materials and improvements, including the irrigation system. See GJMC 21.02.030(h)(3).
- (5) Properties that are physically constrained from complying with these provisions shall comply to the maximum extent practical as determined by the Director using the following criteria:
 - (i) Is the general intent of the requirement being met by the applicant, such as landscaping along the site frontage, even if some of it is in the right-of-way?
 - (ii) Are there other upgrades, amenities, or public benefits being provided, such as upgrades to building facade, relocating landscaping on site, increasing plant sizes and/or planting density, public art, etc.?
 - (iii) Will the proposed deviation result in a safe, efficient condition?
 - (iv) What other alternatives have been considered that would meet the current standards?

(c) Expansion

A nonconforming structure may be expanded; provided, that no increase in the structural nonconformity occurs. For example, an addition may be constructed, provided it meets the dimensional requirements for the zone. If the expansion results in an expansion of the nonconforming use, then see GJMC 21.12.020(b)(1) and 21.12.020(c)(1).

(d) Destruction

- (1) A nonconforming residential structure which is damaged may be restored within the existing footprint; provided, that:
 - (i) All portions of the structure being restored are not on or over a property line;
 - (ii) All construction is in compliance with current construction codes, such as fire and building codes;
 - (iii) A building permit is obtained within 12 months from the date of the damage;
 - (iv) The certificate of occupancy (or other final inspection) is issued within one year of the issuance of the building permit.

- (v) If damage exceeds 50 percent or more, restoration or improvement shall not be permitted unless the restoration results in a structure and site conforming to all applicable requirements of this Code.
- (2) A nonconforming nonresidential structure which is damaged to 50 percent or less of its fair market value, based on a market appraisal performed by a certified appraiser, may be restored within the existing footprint; provided, that:
 - (i) All portions of the structure being restored are not on or over a property line;
 - (ii) All construction is in compliance with current construction codes, such as fire and building codes;
 - (iii) A Building Permit is obtained within 12 months from the date of the damage;
 - (iv) The Certificate of Occupancy (or other final inspection) is issued within one year of the issuance of the building permit.
 - (v) If damage exceeds 50 percent or more, restoration or improvement shall not be permitted unless the restoration results in a structure and site conforming to all applicable requirements of this Code.

(e) Signs

This section shall not apply to nonconforming signs (see sign regulations, GJMC 21.10.050).

21.12.040 NONCONFORMING SITES

(a) Continuation

A parcel of land existing as of April 5, 2010, that is nonconforming due solely to failure to meet the parking, landscaping, or screening/buffering standards may be used for any purposes permitted in the zone so long as the use is in conformance with the provisions of this section.

(b) Maintenance and Restoration

A nonconforming site may be maintained or restored provided no expansion of the nonconformity occurs unless the expansion occurs in conformance with this section.

(c) Expansion

Additions to structures or additional paving, parking or outdoor storage on nonconforming sites shall require correction of existing nonconforming parking, landscaping, and screening/buffering.

- (1) Redevelopment or expansion which results in a 65 percent or greater increase of the gross square footage of the existing structure, outdoor operations/storage/display, paving, or parking areas requires the entire property to meet all of the landscaping and screening/buffering requirements of this Code. The increase may be to only one of the gross square footage areas or a combination of increases of the gross square footage areas which result in an overall increase of 65 percent or greater. (For example, if the gross square footage area of the structure increases by 50 percent and the outdoor storage gross square footage area increases by 20 percent, then the overall increase is 70 percent and the entire property shall be required to meet all landscaping and screening/buffering requirements of this Code.)

- (2) Redevelopment or expansion which would result in less than a 65 percent increase of the gross square footage of the existing structure, outdoor operations/storage/display, paving or parking areas shall require a corresponding percentage increase in compliance for landscaping and screening/buffering requirements of this Code until the site achieves 100 percent compliance. (For example, if the gross square footage area of the structure increases by 10 percent and the outdoor storage gross square footage area increases by 15 percent, then the overall increase is 25 percent and the site contains only 50 percent of the required landscaping, 25 percent of the required landscaping for the entire site must be provided, thereby bringing the site to 75 percent of the total required.) Existing landscaping on the site shall be retained or replaced but shall not count toward the required percentage of new landscaping.
- (3) Redevelopment or expansion that necessitates an increase in the number of parking spaces shall be required to provide 50 percent of the required parking spaces for the additional floor area in accordance with this Code. The additional parking area shall comply with all associated landscaping and drainage requirements of this Code.
- (4) The conversion of nonconforming commercial and/or residential structures and sites to condominiums shall not require that the site be brought into compliance with parking, lighting, and landscaping requirements of this Code.
- (5) Properties that are physically constrained from complying with these provisions shall comply to the maximum extent practicable as determined by the Director using the following criteria:
 - (i) Is the intent of the requirement being met by the applicant, such as landscaping along the site frontage, even if some of it is in the right-of-way?
 - (ii) Are there other upgrades, amenities, or public benefits being provided, such as upgrades to building facade, relocating landscaping on site, increasing plant sizes and/or planting density, public art, etc.?
 - (iii) Will the proposed deviation result in a safe, efficient condition?
 - (iv) What other alternatives have been considered that would meet the current standards?

(d) Change of Use

- (1) Changes of use that necessitate an increase in the number of parking spaces shall be required to provide the difference between the required parking for the prior use and that required for the proposed use in accordance with this Code. Where this calculation results in the addition of less than five spaces, no additional spaces shall be required. Any additional parking area shall comply with all associated landscaping and drainage requirements of this Code.
- (2) New outdoor operations/storage/display uses require that the entire lot or parcel meet all requirements of this Code.

(e) Destruction

- (1) A nonconforming residential structure which is damaged may be restored within the existing footprint; provided, that: all portions of the structure being restored are not and

were not on or over a property line; all construction is in compliance with current construction codes, such as the fire and building codes; a building permit is obtained within six months from the date of the damage; and the certificate of occupancy (or other final inspection) is issued within one year of the issuance of the building permit. If damage exceeds 50 percent or more, restoration or improvement shall not be permitted unless the restoration results in a structure and site conforming to all applicable requirements of this Code.

- (2) A nonconforming nonresidential structure which is damaged to 50 percent or less of its fair market value, based on a market appraisal performed by a certified appraiser, may be restored within the existing footprint; provided, that: all portions of the structure being restored are not and were not on or over a property line; all construction is in compliance with current construction codes, such as the fire and building codes; a building permit is obtained within six months from the date of the damage; and the certificate of occupancy (or other final inspection) is issued within one year of the issuance of the building permit. If damage exceeds 50 percent or more, restoration or improvement shall not be permitted unless the restoration results in a structure and site conforming to all applicable requirements of this Code.

21.12.050 NONCONFORMING LOTS/PARCELS

A lot or parcel of land with an area less than prescribed in the applicable zone may be used for any purpose permitted in the zone if:

- (a) The owner is able to demonstrate to the satisfaction of the Director that the parcel was lawful at the time it was created; and
- (b) The use meets all other regulations prescribed for the zone prior to occupancy or use.

Chapter 21.13 Violations and Enforcement

21.13.010 DIRECTOR

The Director may delegate enforcement authority, duties, and powers pursuant to this Code.

21.13.020 INSPECTION

The Director may enter or inspect any building, structure, lot, parcel, or property to ensure compliance with the provisions of this Code as follows:

- (a) Inspections shall be carried out during business hours unless the Director determines that an emergency exists.
- (b) Entry onto those portions of private property which are not open to the public, business invitees, and others for the purpose of conducting the owner's business shall be made only after contact with the owner of the premises, whose permission for the inspection should be obtained.
- (c) Application for any approval, development, or project constitutes permission to inspect all of the property including structures relating to the application.
- (d) Failing permission from the owner, no inspection of private portions of property shall be undertaken without an order from the Municipal Court or another court of competent jurisdiction.

21.13.030 CODE VIOLATIONS AND ENFORCEMENT

The remedies provided for violation of any provision of this Code, whether civil or criminal, shall be cumulative and be in addition to any other legal or equitable remedy. Except as otherwise provided, any development or use which is initiated or maintained or is not in compliance with the provisions of this Code is prohibited and shall be an "unlawful" development or use.

21.13.040 CONTINUING VIOLATIONS

Each day that a violation of any provision of this Code exists, occurs, or remains uncorrected shall constitute a separate violation.

21.13.050 CIVIL REMEDIES AND ENFORCEMENT POWERS

(a) Stop Work

Upon a finding that any of the following conditions exist, all activities taken pursuant to such a permit or development application shall immediately cease, and no person shall continue construction or make use of or maintain any activity pursuant to such approval if:

- (1) The applicant fails to satisfy any condition of the approval;
- (2) The applicant fails to timely complete all work and construction set forth in a Development Improvements Agreement. If no time limit for satisfaction of conditions is specified in the

original or revised approval of the application, the time shall be presumed to be one year from the date of approval; or

- (3) The applicant fails to fulfill any promise made in writing or at any public hearing.

(b) Withhold Permit

The Director, for any unlawful use or development, may:

- (1) Deny or withhold any permit, certificate, or other form of authorization to use or develop any land, structure, or improvements thereon. This provision shall apply regardless of whether the current owner or applicant is responsible for the violation.
- (2) Revoke any development permit or other authorization when the Director determines:
 - (i) That there is departure from the plans, specifications, or conditions as required under terms of the permit or other authorization;
 - (ii) That the development permit was procured by false representation or was issued by mistake; or
 - (iii) That any of the terms, conditions or provisions are being violated or reasonably believed to be violated. Written notice of revocation shall be served upon the owner, the owner's agent, or contractor that such permit was issued to or notice may be posted in a conspicuous or prominent location at the place of violation.
- (3) With or without revoking permits, stop work on a property where there is a violation of a provision of this Code or of a permit or other form of authorization issued hereunder.
- (4) Upon notice to the applicant the Director may petition the Planning Commission to, at public hearing, revoke the plan or other approval or condition its continuance on strict compliance with this Code, the provision of a financial guarantee or other security to ensure that construction is completed in compliance with approved plans or such other conditions as the Planning Commission may reasonably impose.
- (5) Initiate injunctive relief or abatement proceedings or other appropriate legal action in Municipal Court or another court of competent jurisdiction against any person who fails to comply with any provision of this Code or any requirement or condition imposed pursuant to this Code. The Director shall act to prevent, enjoin, abate, or terminate violations.
- (6) Seek a court order in the nature of mandamus, abatement, injunction prohibition or other action or proceeding to abate or remove a violation or to otherwise restore the premises in question to the condition in which they existed prior to the violation.

(c) Civil Penalty

- (1) Any person who fails to comply with any provision of this Code shall be subject to a civil penalty of not less than \$100.00 or more than \$1,000 for each offense.
- (2) Each day that a violation exists shall constitute a separate offense; however, the maximum civil penalty that may be imposed, even in circumstances where there are multiple and continuing offenses, shall be \$10,000.
- (3) Every such action shall be brought before the Municipal Court of the City. The Municipal Court shall have original jurisdiction to hear and decide such cases.

- (4) The City is entitled to recover judgment against any person failing to comply with any provision of this Code for reasonable attorney's fees in an amount determined by the Municipal Court.
- (5) The City, its officers and employees may initiate an action under this section, but neither the City nor its officers or employees shall be liable for any claim or cause of action.

(d) Other Remedies

The City shall have such other powers and remedies as are and as may be provided by Colorado law for the violation of this or any duly and lawfully enacted code.

(e) Continuation

Nothing in this Code shall prohibit the continuation of enforcement actions undertaken by the City pursuant to previous lawful and valid ordinances, laws, rules, or regulations.

21.13.060 CRIMINAL PENALTY

A violation of any provision of this Code or any requirement or condition imposed pursuant to this Code, including violations of standards and requirements adopted by reference, shall be a misdemeanor. Upon conviction, any person found in violation shall be punished by a fine of not more than \$1,000 or by imprisonment for not more than one year or by both fine and/or imprisonment, for each violation. Each person violating this Code or any requirement or condition imposed pursuant to this Code, whether the person directly commits the act or aids or abets the same, whether present or absent, may be prosecuted and punished as a principal.

21.13.070 ENFORCEMENT PROCEDURES

(a) Nonemergency Matters

- (1) For violations of this Code that do not constitute an emergency, the Director shall give notice of the general nature of the violation to the property owner, agent, occupant, or any applicant for any relevant permit in a manner reasonably calculated to afford notice.
- (2) Enforcement action shall be stayed for a period of 10 days after notice, as provided in this section, has been posted on the property, mailed to the last known owner of the property or been hand delivered. Lack of personal notice shall not defeat any enforcement action.
- (3) Notice may be given in person, by United States mail, or by posting notice on the premises.
- (4) Notice of violation shall state the nature of the violation and the time period for compliance and may state the corrective steps necessary and the nature of subsequent penalties and enforcement actions should the situation not be corrected.
- (5) Notices are deemed to run with the land and may be recorded by the Director in the Mesa County land records.
- (6) Notices of violation are effective for 12 months from the date of issue.

(b) Emergency Matters

For violations of this Code, actual or alleged, that constitute an emergency as determined by the Director, City Council, City Manager, or declaration of the county, state or federal government, the City may use the enforcement powers available under this chapter without prior notice.

21.13.080 CONTINUED COMPLIANCE

Once constructed, the owner and developer shall be treated as an association (unless otherwise formed) and shall be liable for and responsible to maintain the development in substantial compliance with City regulations, approved plans, and conditions. Failure to achieve substantial compliance including, but not limited to, the replacement of required plant materials that have died or are diseased, shall constitute a violation of this Code and may be enforceable by the City in Municipal Court subject to the provisions of this chapter.

21.13.090 ENFORCEMENT AND REVOCATION

In accordance with the provisions of this chapter, the Director may revoke any permit for failure to comply with the conditions of the permit or failure to comply with any provision of this Code, or if any information, statement, or documents supplied by or on behalf of an applicant are false, misleading or omit any material fact or information.

(a) Revocation of Permit or Approval

(1) Director Duties

If the Director determines there are one or more reasons to revoke a development permit or approval, he/she shall revoke such permit or approval. Any appeal of the Director's decision shall be heard by the Zoning Board of Appeals in accordance with GJMC 21.02.010(c).

(2) Notice and Hearing

Notice and hearings for a revocation are the same as for the original application.

(3) Decision and Appeals

A decision to revoke a development permit shall become effective immediately. After revocation of any permit or approval, any activities continuing pursuant to such permit or approval shall be deemed to be in violation of the Code.

(4) Right Cumulative

The Director's right to revoke any approval, development permit, or other privilege or right shall be cumulative to any other remedy.

Chapter 21.14 Measurements and Definitions

21.14.010 MEASUREMENTS

(a) Density/Intensity

The following measurements shall apply to all maximum and minimum density calculations for zoning and land use classifications, unless otherwise indicated.

(1) Maximum Residential Density

- (i) "Maximum residential density" means the number calculated by dividing the total number of dwelling units or residential lots, by the gross acreage expressed in square feet or acres of the development property.
- (ii) Gross land area includes the entire parcel or property at the time a development application is filed.
 - (A) The "gross residential density" is calculated the same as maximum residential density.
 - (B) In the R-4 through R-24 zone districts, for the purpose of calculating density on parcels smaller than five acres, one-half of the land area of all adjoining rights-of-way may be included in the gross lot area. The area of the right-of-way shall not be included to determine compliance with the minimum lot area requirements.
 - (C) In RH-16 and RH-24, for purpose of calculating density on any parcel, one-half of the land area of all adjoining rights-of-way may be included in the gross lot area

(2) Minimum Residential Density

- (i) This calculation applies to the term "net minimum residential density" as used in this Code. "Minimum residential density" means the number calculated by dividing the total number of dwelling units or residential lots by the net developable land area of the development parcel. "Net developable land area" means all portions of the parcel at the time a development application is filed, minus the following if they are to be left as open space:
 - (A) Floodways and floodplains;
 - (B) As defined by the Clean Water Act: wetlands, surface waters, stream, and river channels, banks, and corridors;
 - (C) Slopes of greater than 30 percent or other areas of unstable soils that are not suitable for development;
 - (D) Clear zone districts and critical zone districts;
 - (E) Open space or recreation areas to be dedicated to a public agency or to a private entity approved by the Director to perpetually maintain the open space;
 - (F) Ridgeline setback areas in excess of any required setbacks;
 - (G) Areas of geologic hazards; and

(H) Other areas that, in the opinion of the body reviewing the development, are similarly unsuitable for development.

(3) Transitional Densities

Larger lots or other screening and buffering areas that are provided as a transition for adjoining established neighborhoods may be excluded from the density calculations for purposes of determining minimum density on those parcels that are not large enough to accommodate the transition and meet minimum density.

(4) Other Residential Density

Density of group living facilities shall be calculated as four beds equal one dwelling unit. Group living facilities are meant to fit into a neighborhood with the same characteristics and requirements.

(5) Application of Density/Intensity Definitions

The maximum and minimum residential density or nonresidential intensity requirements apply to all development except:

- (i) Minimum density requirements shall not apply to a simple subdivision if one or more lots can reasonably be resubdivided or developed in a manner that complies with the minimum density and other requirements of this Code;
- (ii) There shall be no minimum density requirement applicable to a major subdivision if all but two of the resulting lots comply with the minimum density requirements and at least one of the two lots that do not comply can reasonably be resubdivided or developed in a manner that complies with the minimum density and other requirements of this Code and no other development is allowed; and
- (iii) A mix of residential and nonresidential uses.

(6) Mixed Use Density/Intensity

The density of a lot with a mix of residential and nonresidential uses ("mixed-use").

(i) Mixed-Use Lot

The density of a mixed-use lot shall be calculated by dividing the total number of dwellings on the lot by the gross land area of the lot. The gross residential density of the lot shall be the maximum density permitted in the underlying zone district. There is no minimum density requirement for a mixed-use lot if at least 10 percent of the gross floor area is used for nonresidential purposes.

(ii) Mixed Use Subdivision

In a mixed-use subdivision, the density shall be calculated for each lot, unless provided otherwise at the time of subdivision approval.

(b) Distances

Unless otherwise specified, separation distances shall be calculated as a radial buffer extending from property lines of the use to be buffered (i.e., 'as the crow flies').

(1) Cannabis Operation Separation

The separation distance shall be computed by direct measurement from the nearest property line of the land use to the nearest portion of the building or unit in which the regulated cannabis is to be sold, using a route of direct pedestrian access, measured as a person would walk safely and properly, without trespassing or utilizing alleys, following striping or parking patterns or on-site designated pedestrian routes, with right angles at crossings and with the observance of traffic regulations and traffic signals.

(c) Lot and Site Measurements**(1) Frontage**

- (i) Lot frontage is measured as the distance for which a lot abuts a street.
- (ii) Street frontage is measured between side lot lines along the front lot line.
- (iii) When a lot fronts on more than one public street, one side shall be designated by the property owner or applicant as the front. This will be used for the purposes of determining setbacks, street orientation, and other similar measurements. Where a lot abuts more than two public streets, the applicant and Director will determine location of front and identification of other sides for setback purposes based on existing or anticipated site context.

(2) Lot Area Measurement

Lot area is measured as the amount of net land area contained within the property lines of a lot or parcel, not including street right-of-way.

(3) Lot Coverage

- (i) Lot coverage is measured as the percentage of the total lot area covered by structures. It is calculated by dividing the square footage of structure coverage by the square footage of the lot.
- (ii) The following shall be counted as structures for purposes of determining lot coverage:
 - (A) Areas covered by swimming pools;
 - (B) Areas covered by structures with a roof; and
 - (C) Structures that are more than six feet tall and enclosed on three or more sides with walls that are less than 25 percent open.

(4) Lot Width

Lot width is measured between side lot lines along the front lot line.

(5) Setbacks**(i) Measurement**

- (A) Setbacks are measured as the unobstructed unoccupied open area between the furthestmost projection of a structure and the property line of the lot on which the structure is located, except as modified by the standards of this Code.

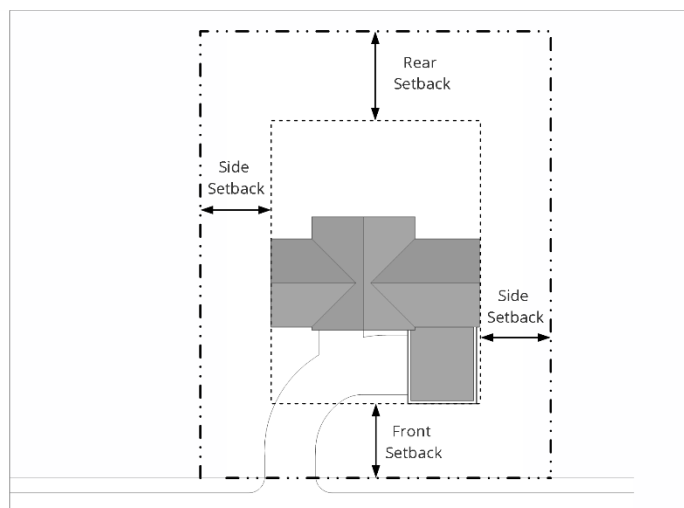


Figure 14.01-1 Setbacks

- (B) There is no internal side setback for attached single-family dwellings or the common wall of two-family dwellings. Side setbacks shall be measured at the external wall of attached dwellings.
- (C) Setbacks shall be unobstructed from the ground to the sky except as specified in GJMC 21.03.040(d) and 21.03.040(e).
- (D) Vehicle storage setbacks are measured from the storage entrance to the property line.

(ii) Setback Encroachment Measurement

Setback encroachment shall be measured from the minimum required setback line towards the lot line; setback encroachments are always measured from the same point and are not cumulative.

(d) Structure Measurements

(I) Gross Floor Area (GFA)

- (i) Gross floor area is measured within the exterior face of exterior walls or the centerline of walls separating two abutting buildings, but excluding any space where floor-to-ceiling height is less than 6.5 feet. Gross floor area includes covered and uncovered outdoor courtyards, arcades, atria, paseos, walkways, and corridors location at or near the street level that are accessible to the general public and are used as sales, display, storage, service, or production areas.
- (ii) Gross floor area calculated for maximum size may exclude eaves, covered or uncovered porches, upper story decks and balconies, breezeways, exterior covered stairwells and attached decorative walls which are less than or equal to three feet in height.

(2) Ground Floor Elevation

Ground floor elevation is measured from natural or improved grade (whichever is more restrictive) to the finished floor level of the ground floor. Grade is measured continuously across a lot.

(3) Height

(i) Measurement

Building height is the vertical distance between the mean finished grade between the lowest and highest grades along the foundation and the highest point of the roof or facade (see graphic).

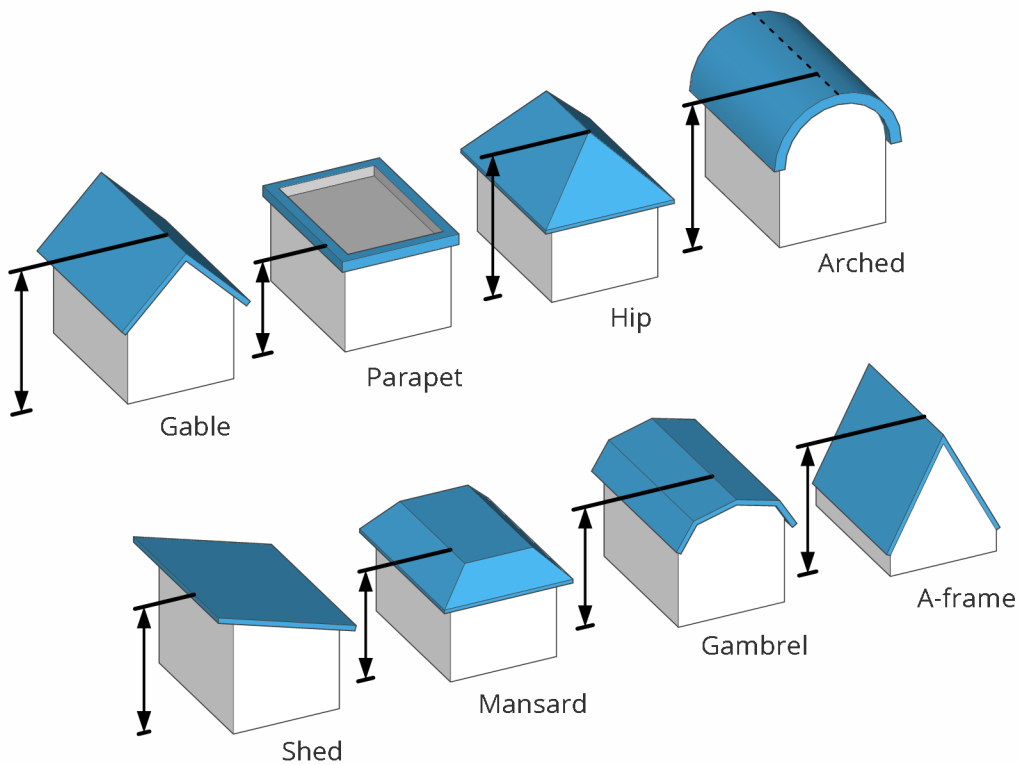


Figure 14.01-2 Roof Height

(ii) Height Encroachment Measurement

- (A) Each height encroachment shall be measured from the maximum building height.
- (B) Building height encroachments are not cumulative in that they are always measured from the same point.

(4) Story Height

- (i) An attic story is considered a half-story and counts toward the calculation of maximum number of stories.
- (ii) Basements are not considered a story.

- (iii) If a ground story is more than five feet above original grade, the space below counts as an additional story.
- (iv) Story height is measured from the top of finished floor to the top of the finished floor above.

21.14.020 DEFINITIONS

A

Abandonment

The relinquishment of property, or a cessation of the use of the property, by the owner or lessee without any intention of transferring rights to the property to another owner or of resuming the use of the property.

Abut/Abutting

Uses or parcels that directly touch. Parcels across a right-of-way would not be abutting but would be adjacent.

Access

A way or means of approach to provide vehicular or pedestrian physical entrance to a property.

Accessory Dwelling Unit

A dwelling unit that is secondary to a principal dwelling unit that may be attached to the principal structure or freestanding.

Accessory Structure

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

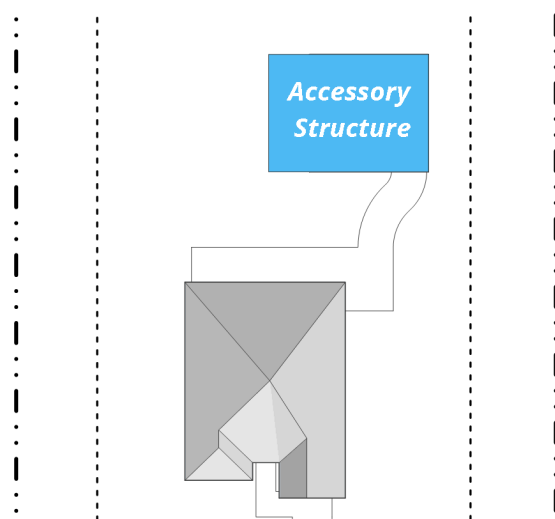


Figure 14.02-1 Accessory Structure

Accessory Use

The use of land or of a building customarily incidental to, subordinate to, and supportive of the principal use of the parcel.

Addition

1. A structure added to the original structure at some time after certificate of occupancy has been issued for the original structure; or
2. An extension or increase in floor area or height of a building or structure.

Adjacent

Property or use, any portion of which is within a 100-foot radius. Right-of-way, easements, canals or waste ditches, and waterways are not counted when deciding if one property or use is adjacent to another.

Adjoin

A lot or parcel of land that shares all or part of a common lot line with another lot or parcel of land.

Administrative Decision

Any decision on an application made by an authorized City employee pursuant to this Code.

Adult or Child Day Care (Use Category)

Uses in this category include temporary care facilities on a less than twenty-four-hour basis for adults and children of varying ages. Activities include supervision, education, and recreation for care facility participants. Accessory uses commonly include recreation, personal storage buildings, and parking.

Adult or Juvenile Offenders

Persons who have committed a crime or are accused of having committed a crime and are housed at a group living facility for that reason.

Adult Entertainment-Related Definitions

Adult Entertainment Establishment

Any establishment that conducts the sale, rental, display or other offering of live entertainment, dancing or material that is distinguished or characterized by its emphasis on depicting, exhibiting, describing, or relating to specified sexual activities or specified anatomical areas as a principal use of the premises or as a significant or substantial adjunct to another use of the premises, including but not limited to:

1. Adult bookstore: Any establishment which sells or rents adult material including but not limited to books, magazines, movies, films, slides, or other photographic or written material and/or devices;
2. Adult hotel or motel: Any hotel or motel in which the presentation of adult material is the principal attraction;

3. Adult motion picture theater: Any fully enclosed theater in which the presentation of adult material is the principal attraction; and
4. Adult cabaret, restaurant, or place of business: a cabaret, restaurant or place of business which features topless and/or bottomless dancers, waitresses, waiters, or entertainers, or any other depiction of adult material.

Adult Material

Any material including, but not limited to, books, magazines, newspapers, movie films, slides, or other photographic or written materials, video tapes and/or devices that are distinguished by their emphasis on depicting, describing, or relating to specified anatomical areas or specified sexual activities:

1. Specified anatomical areas are any of the following that are less than completely and opaquely covered:
 - a. Human genitals and pubic region;
 - b. Buttocks;
 - c. The human female breast or breasts to a point immediately below the top of the areola; and
 - d. Human male genitals in a discernibly turgid state even if completely and opaquely covered.
2. Specified sexual activities or sexual conduct:
 - a. Human genitals in a state of sexual stimulation or arousal;
 - b. Actual or simulated acts of sexual intercourse, masturbation, sodomy, bestiality, cunnilingus, fellatio, anilingus or any sexual acts which are prohibited by law; and
 - c. Touching or fondling of the human female breast, buttock, anus or genital.

Church

Any structure or building for public worship.

Crane Game

An amusement machine that, upon insertion of a coin, bill, token, or similar object, allows the player to use one or more buttons, joysticks, or other controls to maneuver a crane or claw over a nonmonetary prize, toy, or novelty, none of which shall have a cost to the arcade of more than twenty-five dollars per item, and then, using the crane or claw, to attempt to retrieve the prize, toy, or novelty for the player.

Gambling Device

Any device, machine, paraphernalia, or equipment that is used or usable in the playing phases of any professional gambling activity, whether that activity consists of gambling between persons or gambling by a person involving the playing of a machine; except that the term does not include a crane game.

Gaming Arcade

Gaming arcade (aka skilled gaming business) means any business location, including a private club, that is owned, leased, or otherwise possessed, in whole or in part, by a person or by that person's partners, affiliates, subsidiaries, agents, or contractors which features (i) slot machine(s), (ii) gambling device(s), (iii) simulated gambling device(s), or (iv) any mechanical, electrical, video, electronic, or other device, contrivance or machine which after insertion or conveyance of a coin, debit card, credit card, cash, token or similar object or upon payment of any required consideration whatsoever by a player, is available to be played or operated, and which, whether by reason of the skill of the player or application of the element of chance, or both, may deliver or entitle the player operating the machine to receive monetary compensation and/or redeemable game credits, or any other thing of value. This definition expressly includes 'fish game' 'fish game table' 'fish game gambling table' however denominated that consists of a tabletop electronic display with one or more stations featuring buttons, joysticks, or other control(s) that delivers to the player cash, cash premiums, redeemable game credits or any other thing of value for successful play, whether the redeemable payout is made from the machine, another machine, or from an employee of the business. This definition expressly excludes any business location which features bona fide amusement devices that pay nothing of value, cannot be adjusted to pay anything of value, provide only unredeemable free games, or provide only tickets redeemable for nonmonetary prizes consisting of toys or novelties of nominal value; crane games; BINGO operations, coin-operated music machines; or any bona fide amusement device authorized within restaurants by C.R.S 44-3-103(47).

Park

Any public property kept, used, and maintained for recreational, ornamental, or aesthetic purposes.

Playground

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

Public Building

Any building owned, leased or held by the United States of America, the State of Colorado, Mesa County, or the City of Grand Junction, any school district or other agency or political subdivision, which building is used for governmental purposes.

School

Any public or private educational facility including child day care facilities, nursery schools, preschools, kindergartens, elementary schools, middle schools, junior high schools, high schools, vocational schools, special education schools, colleges, universities, and trade schools. "School" includes the school grounds, buildings, structures, and facilities.

Simulated Gambling Device

A mechanically or electronically operated machine, network, system, program, or device that is used by an entrant and that displays simulated gambling displays on a screen or other

mechanism at a business location, including a private club, that is owned, leased, or otherwise possessed, in whole or in part, by a person conducting the game or by that person's partners, affiliates, subsidiaries, agents, or contractors; except that the term does not include bona fide amusement devices, as authorized in C.R.S. 44-3-103 (47), that pay nothing of value and cannot be adjusted to pay anything of value. "Simulated gambling device" includes:

- (I) A video poker game or any other kind of video card game;
- (II) A video bingo game;
- (III) A video craps game;
- (IV) A video keno game;
- (V) A video lotto game;
- (VI) A video 102 roulette game;
- (VII) A pot-of-gold;
- (VIII) An eight-liner;
- (IX) A video game based on or involving the random or chance matching of different pictures, words, numbers, or 104 symbols;
- (X) An electronic gaming machine, including a personal computer of any size 105 or configuration that performs any of the functions of an electronic gaming machine; and
- (XI) A slot machine, where results are determined by reason of the skill of the player or the application of the element of chance, or both, as provided by Article XVIII, § 9(4)(c) of the Colorado constitution; and (XII) A device that functions as, or simulates the play of, a slot machine, where results are determined by reason of the skill of the player or the application of the element of chance, or both, as provided by Article XVIII, § 9(4)(c) of the Colorado constitution.

"Simulated gambling device" does not include any parimutuel totalizator equipment that is used for pari-mutuel wagering on live or simulcast racing events and that has been approved by the director of the division of racing events for entities authorized and licensed under article 32 of title 44 of the Colorado Revised Statutes.

Slot Machine

Any mechanical, electrical, video, electronic, or other device, contrivance, or machine which, after insertion of a coin, token, or similar object, or upon payment of any required consideration whatsoever by a player, is available to be played or operated, and which, whether by reason of the skill of the player or application of the element of chance, or both, may deliver or entitle the player operating the machine to receive cash premiums, merchandise, tokens, redeemable game credits, or any other thing of value other than unredeemable free games, whether the payoff is made automatically from the machines or in any other manner; except that the term does not include a crane game or vintage slot machine models introduced on the market in 1984, does not contain component parts manufactured in 1984 or thereafter and is not used for gambling purposes or limited gaming purposes.

Adverse Impact

A condition that creates, imposes, aggravates, or leads to inadequate, impractical, unsafe, or unhealthy conditions on a site proposed for development or on off-tract property or facilities.

Aggrieved Person

A person having suffered actual loss or injury or being exposed to potential loss or injury to legitimate interests including, but not limited to, business, economic, aesthetic, governmental, recreational, or conservation interests.

Agri-business

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

Agricultural Animals

The following animals are considered agricultural animals to an agricultural use, whether used for personal enjoyment or for commercial purposes: horses, mules, burros, sheep, cattle, rabbits, pigs, llamas, alpacas, goats, and any type of fowl.

Agricultural Labor Housing

A facility for the dormitory-style housing of agricultural workers on a seasonal basis.

Agricultural Products

Agricultural or horticultural products such as vegetables, fruits, dairy products, eggs, grains, meat, poultry, fish, honey, hay, bedding plants, herbs, and wool.

Agriculture and Animal Services (Use Category)

Uses in this category include agricultural and farming activities, including nurseries and facilities for processing and selling agricultural products. Agricultural uses involve farming, dairying, pasturage, apiculture, horticulture, floriculture, viticulture, and animal husbandry. Animal-related uses include the boarding and care of animals on a commercial basis. Accessory uses may include confinement facilities for animals, parking, and storage areas.

Agricultural Activities

General on-going and active activities, including agronomy, aquaculture, grazing, biotechnical agriculture (including education parks for biotechnical agriculture or a demonstration farm), forestry, fisheries, honey production, silviculture (including the harvesting of timber), and similar uses. Agricultural activities do not include a grocery store or the retail or wholesale sale of products remotely related to the production of agricultural products.

Airport or Heliport

A landing area, runway, or other or other ground level or elevated facility designed, used, or intended to be used for the landing or taking off of airplanes and/or helicopters, including all necessary taxiways, aircraft storage and tie-down areas, hangars, fueling and maintenance

equipment areas, and other necessary buildings and open spaces, and including auxiliary facilities such as waiting rooms.

Alcohol Beverage

Fermented malt beverage or malt, vinous, or spirituous liquors.

Alley

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

Alterations

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

Amateur Radio

Radio communications that are licensed or regulated by the Federal Communications Commission and are not subject to provisions of this Code.

Amendment

Major changes to an application or approval. Requests that cannot be accomplished within GJMC 21.02.040(c) are amendments.

Amortization

A method of eliminating nonconforming uses by requiring the termination of the nonconforming use after a specified period of time.

Animal Agriculture

Any parcel of land used for the principal or accessory use of breeding, raising, and/or keeping of agricultural animals for sale or use of the animal, their products or byproducts, and/or the processing of those products or byproduct.

Animal Care, Boarding, or Sales

A facility in which four or more animals of the same species are housed, groomed, bred, boarded, trained in return for compensation, or sold. Such facility may offer incidental medical treatment.

Animal Clinic or Hospital

A facility for the medical care, treatment, and/or hospitalization of animals under the supervision of a licensed veterinarian.

Annexation

The incorporation of a land area into an existing community with a resulting change in the boundaries of that community.

Antenna

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

Appeal

A request for a review of the Grand Junction Community Development Department's interpretation of any provisions of this Code or a request for a variance therefrom.

Applicant

Any person, firm, partnership, joint venture, association, corporation, group, or organization applying for any permit, approval or decision governed or required by this Code. "Developer" or "subdivider" may be used interchangeably.

Application

A written request for any approval, permit, or action required by this Code. "Proposals" and "requests" are used interchangeably. An application is not complete until each requirement in this Code is met and all fees are paid.

Approved Street Trees for Grand Junction's Rights-of-Way

The list of trees, shrubs, vines, and evergreens in public rights-of-way maintained by the Forestry Board (see Section 8.32.020).

Appurtenances

The visible, functional, or ornamental objects accessory to and part of buildings.

Area of Influence (Airport)

An area surrounding an airport which is impacted or influenced by its proximity to the airport, either by aircraft overflight, noise, vibrations, or by vehicular traffic associated with airport operations.

Art Gallery, Museum, or Library

A facility or area that is open to the public and is intended for the display, appraisal, purchase, sale, loan, of art books, paintings, sculpture, or other works of original art that have architectural, artistic, cultural, literary, historical, or scientific value.

Assembly, Community

Places of community assembly, such as libraries, museums, community centers, senior centers, and recreation centers that are open and available to the general public

Assembly, Religious/Private Group

Private, non-profit membership organizations that provide meeting space and facilities for their members. Examples include religious institutions and civic and social organizations such as private lodges, clubs, fraternal organizations, and similar private, non-commercial membership organizations.

Average

Unless specified otherwise, the arithmetic mean.

Avigation Easement

An easement that limits the construction and heights of vegetation, and grants the right of flight over the surface together with the right, subject to the applicable local, state, and federal laws (such as noise pollution laws), to cause noise, vibrations, smoke, fumes, glare, dust, fuel particles, and other effects of aircraft operations.

B

Bar or Tavern

An establishment engaged in the preparation and retail sale of alcoholic beverages for consumption on the premises and that may or may not serve food. This use also includes “hookah” bars in which patrons consume flavored tobacco from a stemmed instrument designed for vaporizing tobacco. If food is served, the revenue from sales of food is smaller than the revenue from alcohol sales.

Basement

Any area of a building having its floor subgrade (below ground level) on all sides.

Bed and Breakfast

A house, or portion thereof, where short-term lodging rooms and meals are provided and where the operator of the house lives on the premises or in adjacent premises. A bed and breakfast is a type of short-term rental.

Berm

A mound of earth designed so that slope drainage is directed away from a paved area and sidewalks, which serve as a screen or bufferyard with landscaping.

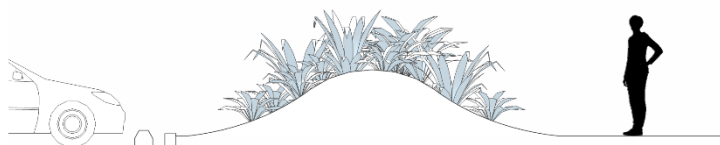


Figure 14.02-2 Landscaped Berm

Block

A land area consisting of contiguous lots established by recorded plats, usually bordered by a combination of streets, public parks, cemeteries, railroad right-of-way, or other barrier to the continuity of development.

Block Frontage

All property fronting on one side of a street between intersecting or intercepting streets, or between a street and a street right-of-way, waterway (wider than 30 feet), or end of a dead end street. An intercepting street shall determine only the boundary of the frontage of the side of the street which it intercepts.

Board

Unless otherwise indicated in the text, shall refer to the Zoning Board of Appeals.

Boarding or Rooming House

A residential structure that is the operator's personal primary residence where lodging for more than 30 days is provided, with or without meals, for compensation. A boarding house is not a bed and breakfast or short-term rental.

Brewery, Distillery, or Winery

Brewery

Any establishment where malt liquors are manufactured, except a brew pub.

Distillery

Any establishment where spirituous liquors are manufactured, except a distillery pub.

Winery

Any establishment where vinous liquors are manufactured, except a limited winery. For purposes of this Code, a winery shall include a vintner's restaurant that sells food for consumption on the premises and that manufactures not more than 250,000 gallons of wine on its premise each calendar year.

Brewpub, Distillery Pub, or Limited Winery

Brewpub

A retail establishment that manufactures not more than 1,860,000 gallons of malt liquor on its licensed premises or licensed alternating proprietor licensed premises, combined, each calendar year.

Distillery Pub

A retail establishment whose primary purpose is selling and serving food and alcohol beverages for on-premises consumption; and that ferments and distills not more than 45,000 liters of spirituous liquor on its licensed premises each calendar year.

Limited Winery

Any establishment manufacturing not more than 100,000 gallons, or the metric equivalent thereof, of vinous liquors as defined in Article 3, Title 44, C.R.S. annually within Colorado.

Buffer/Buffering

An object or area with landscaping, including trees, shrubs, a wall, fence, berm, or any combination thereof that serves as a visual and auditory screen between properties.

Building

Any structure used or intended for supporting or sheltering any use or occupancy. (See also Structure.)

Building Design Capacity

The maximum occupancy load of a building as provided by the most recent version of the International Building Code adopted by the City.

Building Envelope

The three-dimensional space occupied by a building, including all eaves, covered porches, breezeways, and other portions of the building, but excluding attached decorative walls which are less than or equal to three feet in height.

Building Façade

That exterior side of a building which faces, and is most nearly parallel to, a public or private street.

Bulk Standard

A standard that applies to individual lots that control the placement, intensity, and character of development, including, but not limited to, the amount of open space on the lot, the height of structures, setbacks from property lines and rights-of-way, impervious coverage, and density.

C

Caliper

The diameter of the tree trunk measured 6 inches above the root ball at time of planting. Caliper is applied only when measuring new plantings.

Campground or Recreational Vehicle Park

A parcel of land on which two or more recreational vehicle sites and/or camping sites are located, established, or maintained for occupancy by recreational vehicles or camping units of the general public as temporary living quarters for vacation or recreation purposes.

Camping Guest

One or more persons assigned to a campsite.

Camping Unit

A self-propelled or towed recreational vehicle, other vehicle used for temporary human occupancy, or a cabin, tent or other type of shelter intended, designed, or used for temporary human occupancy.

Camping Unit, Dependent

A camping unit that has no toilet, sink or bathing facilities and is dependent upon a common building for these services.

Camping Unit, Independent

A camping unit that has toilet, sink and bathing facilities requiring connection to a water and/or sanitary sewer system at the individual campsite.

Campsite

Any defined area which is used for overnight stays by an individual, a single camping family, group, or other similar entity.

Cannabis Testing Facility

An entity licensed to analyze and certify safety and potency of cannabis.

Canopy Drip Line

The area directly located under the outer circumference of the tree branches from which water drips onto the ground.

Carport

A roofed structure providing space for the storage of one or more motor vehicles and enclosed on not more than two sides by walls.

Cemetery

Land used or designated for the interment of human or animal remains, including columbaria, crematoria, mausoleums, mortuaries, and associated maintenance facilities when operated in conjunction with, and within the boundaries of, such cemetery.

Centerline

The true centerline of a street right-of-way that has been fully dedicated to the required width according to the master street plan.

Certificate of Occupancy

Certificate of occupancy means as defined in the current International Building Code adopted by the City.

Change in Use or Change of Use

A change from one principal use of a building or land to another principal use of the building or land.

City

The City of Grand Junction.

Civic Use

A municipal use that may include cultural, recreational, athletic, convention and entertainment facilities.

Clear Zone (Airport)

An area located directly off the end of an airport runway in which no above-ground construction or obstruction is permitted.

Cluster/Clustered

A development that complies with the requirements, rules and design guidelines set forth in GJMC 21.03.040(f).

Cluster Development

A development design technique that concentrates buildings in specific areas on a site to allow the remaining land to be used for recreation, common open space, and preservation of environmentally sensitive areas.

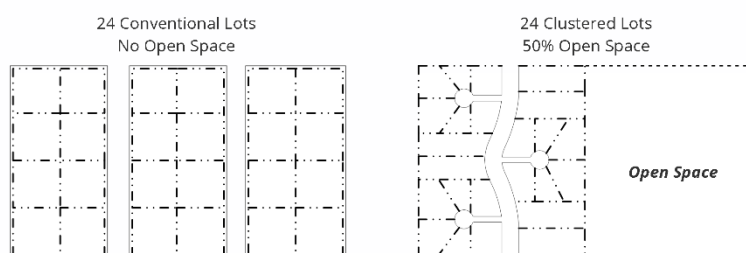


Figure 14.02-3 Cluster Development

Code

Unless otherwise specified, refers to the City of Grand Junction Zoning and Development Code, which is also referred to as GJMC Title 21.

Collector Street

Streets, as identified in the Master Street Plan, which access neighborhoods and routes serving intra-city rather than intra-state travel.

College or University

An institution of higher learning providing facilities for teaching and research and authorized to grant academic degrees.

Colorado Nursery Act

C.R.S. Title 35 Article 26 as amended.

Common Elements

Land amenities, certain areas of buildings, such as lobbies, corridors and hallways, central services and utilities and any other elements and facilities owned and used by all owners and designated in the master deed as common elements.

Commercial Vehicle

All vehicles that require the issuance of any of the following license plates by the State of Colorado: passenger bus plates; GVW truck and GVW tractor plates; farm trucks and farm tractor plates; special mobile machinery plates/tabs; special use vehicle plates; light truck plates; but shall not include the following: any vehicle issued any of the above license plates that otherwise would be issued passenger plates or recreational truck plates by the State of Colorado were the vehicle not used for commercial purposes; any pickup truck issued light truck plates with bed rails no higher than 30 inches from the floor of the bed; any van issued light truck plates whose basic design could serve as a passenger van and be issued passenger plates.

Common Open Space

Land within or related to a development, not individually owned or dedicated for public use, that is designed and intended for the common use or enjoyment of the residents and their guests of the development and may include such complementary structures and improvements as are necessary and appropriate. Common open space does not include areas used for streets, alleys, driveways, or off-street parking or loading areas. However, the area of recreational activities such as swimming pools, tennis courts and other recreation facilities may be counted as common open space.

Composting Facility

A facility where organic matter that is derived primarily from off-site is processed by composting and/or is processed for commercial purposes. Activities of a composting facility may include management, collection, transportation, staging, composting, curing, storage, marketing, or use of compost.

Community and Cultural Facilities

Uses in this category include buildings and facilities owned, operated, or occupied by a governmental or non-profit entity providing a service to the public.

Community Center

A building, together with accessory structures and uses, used for recreational, social, educational, or cultural activities by and for the benefit of community groups and individuals, that is accessible to the general public or to members of the residential development in which it is located, and that is not operated for profit.

Community Corrections Facility

1. A facility providing residential or nonresidential services operated under the direction of a community corrections program, as defined by § 17-27-101 C.R.S. et seq.; or

2. A facility providing residential or nonresidential services substantially similar to that described in § 17-27-102(3) C.R.S., although not being administered pursuant to § 17-27-101 C.R.S. et seq., which is operated by a private individual, partnership, corporation, or association.

Concept Plan

A generalized plan indicating the boundaries of a tract or tracts under common ownership, and identifying proposed land use, land use intensity and thoroughfare alignment.

Conditional Use

A use identified by this Code that requires action by the Planning Commission or City Council after public hearings. A conditional use means a use that because of its unique or varying characteristics, cannot be properly classified as a permitted use in a particular district.

Condominium

As defined in § 38-33.3-103, C.R.S. or any successor statute.

Construction Plan

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

Contiguous

Next to, abutting, or touching and having a boundary, or portion thereof, that is coterminous.

Convey

To transfer all or a part of a title or equitable interest in land; to lease or assign an interest in land; or to transfer any other land interest.

County

Mesa County.

Crematory

An establishment for the reduction of deceased bodies of humans or animals to ashes by fire.

Critical Zone (Airport)

A rectangular-shaped zone located directly off the end of a runway's primary surface, which is critical to aircraft operations.

Cul-de-sac

A dead end street terminating in a vehicular turn around area.

Curb Face

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

D

Dairy Operations or Feedlot

Agricultural operations where livestock is kept and raised in confined situations and the owners of the livestock pay for yardage, feed, and feed processing.

Day Care Center, Adult or Child

A nonresidential establishment providing for the care, supervision, and protection of children under the age of 16 years or the elderly and/or disabled adults for less than 24 hours. The term includes facilities commonly known as day care centers, day nurseries, nursery schools, kindergartens, preschools, play groups, day camps, summer camps, and includes those facilities for children under the age of six years with stated educational purposes operated in conjunction with a public, private, or parochial college or a private or parochial college or a private or parochial school, except that the term shall not apply to any kindergarten maintained in connection with a public, private, or parochial elementary school system of at least six grades.

Days

Unless otherwise indicated, calendar days, if the period of time referred to is more than 30 days. If the period of time referred to is less than 30 days, "days" means working days (days when the City is open for business).

Dedication

The transfer of property by the owner to another party.

Deed

A legal document conveying ownership of real property.

Default Standards or Default Zone districts

The underlying zone of a Planned Development (PD) zone district. The default zone district shall be established with any PD zone district. The standards for the default zone shall be used unless deviations were specifically approved within the PD zoning ordinance.

Density

The number of dwelling units per acre of land.

Density, Maximum

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

Density, Minimum

This calculation shall apply to the term "net minimum residential density" as used in this Code.

Minimum residential density means the number calculated by dividing the total number of dwelling units or residential lots by the net developable land area of the development parcel.

Developer

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

Development

All property adjacent or abutting, whether or not to be then planned or developed, owned by the same owner. Includes any of the following: the division of a parcel of land into two or more parcels; the construction, reconstruction, conversion, structural alteration, relocation, or enlargement of any structure; any mining, drilling, excavation, clearing of roadways or building sites, landfill or land disturbance and any use or extension of the use of land, the placement of a use on any property, or any Planned Development. Development does not include movement of earth associated with crops and/or farming or landscaping.

Development Impact Fee-Related Definitions

For purposes of GJMC 21.02.070, the following terms shall have the following meanings:

Impact Fee

A fee imposed on a development to help finance the cost of improvements or services.

Capital Facilities

Any improvement or facility that: (i) is directly related to any service that the City is authorized to provide; (ii) has an estimated useful life of five years or longer; and (iii) is required by the charter, ordinances or policy of the City pursuant to a resolution or ordinance.

Commencement of Impact-Generating Development

Commencement of impact-generating development occurs upon either:

1. The submittal of a complete application for the development of a nonresidential development or multifamily for-rent development for which construction commences on or before two years from the date of complete application submittal; or
2. Planning Clearance for residential uses intended for fee simple ownership such as single-family homes, townhomes, or condominiums.

Complete Application

An application shall not be considered complete unless and until (i) all the required information and submittal materials required by all relevant City ordinances, resolutions, rules, and regulations are submitted and received by the Director, and (ii) the Director has determined the application is complete. The decision of the Director with respect to completeness is final.

Development

Any construction or expansion of a building, structure, or use, any change in use of a building or structure, or any change in the use of land, which creates additional demand for parks and recreation, fire, and police capital facilities.

Development Approval

Any final approval of an application for a rezoning, an approved Planned Development ordinance, Conditional Use Permit, Subdivision, development or Site Plan, Planning Clearance, or similar application for new construction.

Fee Payer

A person commencing impact-generating development who is obligated to pay an impact fee in accordance with the terms of GJMC 21.02.070.

Fee Schedule or Impact Fee Schedule

The impact fees for police, fire, parks and recreation, and transportation established by GJMC 21.02.070. The impact fee schedule is set forth in the fee schedule to GJMC 21.02.070 and is incorporated herein by reference.

Floor Area

The total finished square footage of all levels included within the outside walls of a building or portion thereof, but excluding courts, garages having no habitable area, uninhabitable areas that are located above the highest habitable level, or uninhabitable areas that are located below the first floor level.

Impact Fee Study

The study entitled "City of Grand Junction, Colorado 2019 Impact Fee Study," prepared by TischlerBise dated August 8, 2019 and/or the study entitled "Transportation Impact Fee Study" by Duncan Associates dated November 2019 with Minor Revisions February 28, 2019.

Independent Fee Calculation Study

A study prepared by a fee payer, calculating the cost of parks and recreation capital facilities, fire capital facilities, and police capital facilities required to serve the fee payer's proposed development, that is performed on an average cost (not marginal cost) methodology, uses the level of service standards, service units and unit construction costs stated in the impact fee study, and is performed in compliance with any criteria for such studies established by GJMC 21.02.070.

Level of Service (LOS)

A measure of the relationship between service capacity and service demand for capital facilities.

Planning Clearance

A Planning Clearance issued by the Director permitting the construction of a building or structure within the City of Grand Junction.

Successor-in-Interest

A person, as defined by GJMC 21.02.070, who is conveyed a fee simple interest in land for which an impact fee is paid or a credit is approved pursuant to the terms of GJMC 21.02.070.

Transportation Capital Facilities

Site-related improvements such as minimum street improvements, local street improvements and safety improvements shall not constitute transportation capital facilities.

Development Schedule or Phasing Schedule

Regulating the rate and geographic sequence of development so as to ensure that each phase can stand on its own in terms of circulation, utilities, and so on, in the event subsequent phases are delayed or cancelled.

DIA

Development Improvements Agreement.

Diameter at Breast Height (DBH)

The diameter of the tree trunk measured 4.5 feet above the ground on the uphill side of the tree. For split trunk trees that fork below 4.5 feet from the ground, DBH measurements shall be taken at the narrowest point below the fork. For multi-stem trees, which are trees that have more than one trunk at 4.5 feet above ground originating from a common trunk or common root system, DBH measurements shall be taken for each stem at 4.5 feet above the ground and aggregated by adding all values together for a single measurement, to be considered as a single tree for the purposes of this Code. DBH is applied only when measuring existing trees.

Director

The administrator of the Code shall be the Director of the Grand Junction Community Development Department and/or designated staff.

Disposition

A transfer of all or part of a title or equitable interest in land; a lease or an assignment of an interest in land; or any other transfer or conveyance of an interest in land.

Drive-Through Facility

A facility, building feature, or equipment at which an occupant of a vehicle may make use of the service or business without leaving their vehicle. This use includes drive-by parcel pickup facilities.

Driveway

A private roadway providing access to a street or highway, excluding the sidewalk when parking vehicles in the driveway.

Dwelling Unit

A building or portion thereof that provides complete, independent living facilities for a single family maintaining a household, including permanent provisions for living, sleeping, eating, cooking, and sanitation.

Dwelling, Business Residence,

A single residential dwelling unit, accessory to and located within a structure primarily devoted to nonresidential uses.

Dwelling, Co-housing

A community of private dwelling units that includes shared spaces, such as a community room, or shared facilities, such as a kitchen for community use. Each private unit must include sleeping and sanitary facilities. Where community spaces or facilities are provided, they need not be provided in individual units. Dormitories, rooming/boarded houses, and fraternities or sororities are not considered co-housing. Co-housing may be designed as either a multifamily structure or cottage court development.

Dwelling, Cottage Court

A residential development, including co-housing developments, that combines a group of small individually owned or rented single-family dwelling units, including tiny homes, on a single parcel of land that are oriented around a shared open space for communal use by the residents of the development and may include a shared parking area and/or a shared community building.

Dwelling, Duplex

A single residential building on a single lot containing two dwelling units, each designed for use and occupancy by no more than one family. The two units must be able to function as dwelling units independently of each other, but may be located side-by-side, in front and behind, or above and below each other.

Dwelling, Multifamily

A single building that contains three or more dwelling units on the same lot, including co-housing dwellings.

Dwelling, Single-Family Detached

A residential building designed for use and occupancy by no more than one family and is not attached to any other dwelling or building by any means (except an approved accessory dwelling unit), on a single lot. Manufactured homes shall be considered single-family detached dwellings.

Dwelling, Single-Family Attached

Two or more attached single-family dwelling units attached side by side under one roof that share a common vertical side or rear wall reaching from the building foundation to the roof structure, each of which is located on its own separate lot. This use is also referred to as a townhome.

Dwelling, Tiny Home

A structure that:

1. Is permanently constructed on a vehicle chassis;
2. Is designed for long-term residency;

3. Includes electrical, mechanical, or plumbing services that are fabricated, formed, or assembled at a location other than the site of the completed home;
4. Is not self-propelled; and
5. Has a square footage of not more than 400 square feet.

In order to meet this definition, a tiny home must be built to the International Residential Code as adopted by the Building Codes & Standards program within the Division of Housing. Colorado tiny homes will receive a metal plate insignia that certifies the tiny home is built to the codes and standards of the program. This use does not include manufactured homes, recreational park trailers, or recreational vehicles.

Dwelling, Tiny House

See Dwelling, Single-Family Detached.

E

Easement

An interest in land that is less than fee title which entitles the holder to a specific limited use or enjoyment.

Educational Facilities (Use Category)

Use in this category include public, private, and parochial institutions at the primary, elementary, middle, high school, or post-secondary level, including colleges and college campuses. Accessory uses commonly include play areas, cafeterias, recreation areas, auditoriums, and day care facilities.

Electric Vehicle Charging Facility

A facility in which electric vehicle charging services are made available to the public or to members for a fee, including structures, machinery, and equipment necessary and integral to support an electric vehicle, including battery charging stations, rapid charging stations, and battery exchange stations.

Emergency Shelter, Permanent

A facility providing basic services that may include food; personal hygiene support; information and referrals; employment, mail, and telephone services; including overnight sleeping accommodations, to people with limited financial resources, including people who are experiencing homelessness.

Emergency Shelter, Temporary

A temporary facility providing relief or assistance services to the public, including those experiencing homelessness, or to provide services related to the administration or management of such relief or assistance services in times of natural disaster or other emergency circumstances.

Eminent Domain

The authority to acquire or take, or to authorize the taking of, private property for the public use or public purpose.

Engineer

An engineer licensed by the Colorado Board of Registration.

Equipment

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

Evergreen

Any tree having foliage that persists and remains green throughout the year.

Evidence

Any map, table, chart, contract or other document or testimony prepared or certified which is offered by a person to establish a claim, condition, or assertion.

Exaction

Contributions or payments required as an authorized recondition for receiving a development permit.

F

FAA

The Federal Aviation Administration.

Façade

The front exterior wall of a building.

Family

Any number of related persons living together within a single dwelling unit as a single housekeeping unit, but not more than four persons who are unrelated by blood, marriage, guardianship, or adoption.

Farmers' Market

A structure or place where agricultural products are brought for the purpose of retail sales. A farmers' market differs from a produce stand in that there may be more than one seller allowed per parcel of land and the structure from which produce is sold at a farmers' market need not be portable or capable of being dismantled or removed from the site.

Fence

An artificially constructed barrier of any material or combination of materials, including walls but not retaining walls interior to the property, erected to enclose, screen, or separate areas. ("Material" does not include vegetation.)

Fenestration

The arrangement of windows and other exterior openings on a building.

Final Plat

A survey map of record which indicates the boundaries for streets, blocks, lots and other property divisions which is prepared pursuant to GJMC 21.02.040(l)(5).

Flea Market

A flea market, swap shop, or similar activity by whatever name, where the use involves the setting up of two or more booths, tables, platforms, racks, or similar display areas for the purpose of selling, buying, or trading merchandise, goods, materials, products, or other items offered for sale outside an enclosed building. Flea markets do not include any of the following activities that occur at the same location four or fewer days in any calendar year: garage sales, produce stands, garage sales or fund-raising activities done by a nonprofit organization.

Flood-Related Definitions

Area of Shallow Flooding

A designated Zone AO or AH on the City's Flood Insurance Rate Map (FIRM) with a one percent chance or greater annual chance of flooding to an average depth of one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

Area of Special Flood Hazard (Floodplain)

The land in the floodplain subject to a one percent or greater chance of flooding in any given year.

Base Flood

The flood having a one percent chance of being equaled or exceeded in any given year.

Base Flood Elevation (BFE)

The elevation shown on a FEMA Flood Insurance Rate Map for Zones AE, AH, A1-A30, AR, AR/A, AR/AE, AR/A1-A30, AR/AH, AR/AO, V1-V30, and VE that indicates the water surface elevation resulting from a flood that has a one percent chance of equaling or exceeding that level in any given year.

Conditional Letter of Map Revision (CLOMR)

FEMA's comment on a proposed project which does not revise an effective floodplain map that would upon construction affect the hydrologic or hydraulic characteristics of a flooding source and thus result in the modification of the existing regulatory floodplain.

Critical Facility

A structure or related infrastructure, but not the land on which it is situated, that if flooded may result in significant hazards to public health and safety or interrupt essential services and operations for the City at any time before, during and after a flood.

Existing Manufactured Home Park or Subdivision

A manufactured home park for which the construction of facilities serving the lots on which the manufactured homes are to be affixed are completed before the Effective Date.

Expansion of Existing Manufactured Home Park or Subdivision

The preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

Five-Hundred-Year (500-year) Flood

A flood having a recurrence interval that has a 0.2-percent chance of being equaled or exceeded during any given year (0.2-percent-chance annual flood).

Five-Hundred-Year (500-year) Floodplain

An area of land susceptible to being inundated as a result of the occurrence of a 500-year flood.

Flood or Flooding

A general and temporary condition of partial or complete inundation of normally dry land areas from:

1. The overflow of inland waters; and/or
2. The unusual and rapid accumulation or runoff of surface waters from any source. (See graphic.)
3. Mudslides or mudflows that occur from excess surface water that is combined with mud or other debris that is sufficiently fluid so as to flow over the surface of normally dry land areas (such as earth carried by a current of water and deposited along the path of the current).

Flood Control Structure

A physical structure designed and built expressly or partially for the purpose of reducing, redirecting, or guiding flood flows along a particular waterway. These specialized flood modifying works are those constructed in conformance with sound engineering standards.

Flood Fringe District

That area within a 100-year floodplain where the flood waters are relatively shallow, and move at velocities from one to four feet per second. (See graphic.)

Flood Insurance Rate Map (FIRM)

The official map on which the Federal Emergency Management Agency has delineated both the areas of special flood hazards and the risk premium zones.

Flood Insurance Study

The official report provided by the Federal Emergency Management Agency that includes profiles, the Flood Boundary-Floodway Map, and the water surface elevation of the base flood.

Floodplain

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

Floodplain Development

Any manmade change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations located within the area of special flood hazard. (See graphic.)

Flood Profile

Hydrological conclusions based upon historical facts and engineering principles represented graphically showing the relationship of the water surface elevation during a 100-year flood to the channel and adjacent topography.

Flood Prone Area

An area near a watercourse which is subject to flooding during a 100-year flood based on historical information, topography, vegetation, and other indicators, but where the precise dimensions of a 100-year floodplain have not been delineated by Federal Emergency Management Agency studies. (See graphic.)

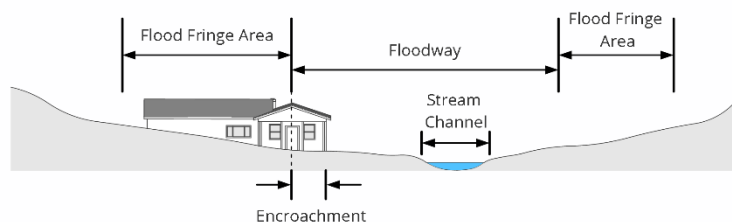


Figure 14.02-4 Flood Prone Area

Floodproofing

A combination of provisions, changes or adjustments to structures and movable objects or to surrounding areas, primarily for the reduction or elimination of flood damage.

Flood Regulatory Area

That portion of the floodplain which is subject to inundation by a 100-year flood. This area may be divided into the floodway district and the flood fringe district. (See graphic.)

Floodway

The channel of a river or other water course and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height. The Colorado Statewide standard for the designated height to be used for all newly studied reaches shall be one-half foot (six inches). (See graphic above.)

Freeboard

The vertical distance in feet above a predicted water surface elevation intended to provide a margin of safety to compensate for unknown factors that could contribute to flood heights

greater than the height calculated for a selected size flood such as debris blockage of bridge openings and the increased runoff due to urbanization of the watershed.

High Water Mark

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

Mudflow

A flowing mass of predominantly fine grained earth material possessing a high degree of fluidity during movement.

New Construction

Structures for which the "start of construction" commenced on or after the Effective Date of the ordinance enacting the flood damage prevention regulations, and includes any subsequent improvements to such structures.

New Manufactured Home Park or Subdivision

A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the Effective Date of the ordinance enacting the flood damage prevention regulations.

No-Rise Certification

A record of the results of an engineering analysis conducted to determine whether a project will increase flood heights in a floodway. A no-rise certification must be supported by technical data and signed by a registered Colorado professional engineer.

Obstruction (Floodplains)

A dam, wall, embankment, levee, dike, pile, abutment, projection, excavation, channel rectification, culvert, building, fence, stockpile, refuse, fill, structure or material, in, along, across, or projecting into any drainageway, channel, or watercourse, which might impede, retard or change the direction of the flow of water, either by itself or by catching and collecting debris carried by the water, or which is placed where the 100-year flood may carry the debris downstream.

One-Hundred-Year (100-year) Flood

A flood having a recurrence interval that has a one percent chance of being equaled or exceeded during any given year (one-percent-annual-chance flood).

One-Hundred-Year (100-year) Floodplain

The area of land susceptible to being inundated as a result of the occurrence of a 100-year flood, including the low land near a watercourse which has been, or may be, covered by water of a flood of 100-year frequency, as established by engineering practices of the U.S. Army Corps of Engineers and/or the Colorado Water Conservation Board.

Special Flood Hazard Area

The land in the floodplain within the City subject to a one percent or greater chance of flooding in any given year, i.e., the 100-year floodplain.

Start of Construction

Start of construction includes substantial improvement and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, placement, or other improvements was within 180 days of the permit date. The “actual start” means the first placement of a permanently constructed structure on a site, such as the pouring of slab or footings, the installation of pilings, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure.

Substantial Damage

Damage to a structure from one event not due to the knowing act of the owner such that the cost to restore the damage is 50 percent or more of the fair market value of the structure before the damage occurred.

Substantial Improvement

Any reconstruction, rehabilitation, addition, or other improvement of a structure, which costs 50 percent of the market value of the structure before the “start of construction” of the improvement. Substantial improvement includes structures which have incurred “substantial damage,” regardless of the actual repair work performed. The term does not include either:

1. Any improvement of a structure to correct existing violations of any code which the local code enforcement official determines and are necessary to make the structure safe or habitable; or
2. Any alteration of a “historic structure,” if the alteration shall not preclude the structure’s continued designation as a “historic structure.”

Water Surface Elevation

The height, in relation to the North American Vertical Datum (NAVD) of 1988 (or other datum, where specified), of floods of various magnitudes and frequencies in the floodplains of coastal or riverine areas.

Food and Beverage (Use Category)

Uses in this category include establishments that serve prepared food or beverages for consumption on or off the premises. Accessory uses may include food preparation areas, offices, and parking.

Food Service or Catering

An establishment in which the principal use is the preparation of food or meals on the premises, and where such food or meals are delivered to an off-site location for sale or consumption.

Fraternity or Sorority

A place of residence other than a hotel, rooming or boarding house or dormitory that is operated by a nationally or locally chartered membership organization and is used, occupied, and maintained as living and dining quarters for its members who are enrolled in an accredited college or university or other accredited educational institution and which is recognized and subject to controls by such educational institution.

Frontage

The frontage of a parcel of land is that distance where a property line is common with a road right-of-way line.

Front Lot Line

The property line dividing a lot from a road right-of-way.

Functional Turf

An area of turf measuring no less than 30 feet in width and length with a minimum area 1,500 square feet for the purposes of common recreational uses open to the public, members of a neighborhood, or clients and/or customers of a commercial or office use.

Funeral Home or Mortuary

An establishment with facilities for the preparation of human or animal remains for burial or interment, including cremation, for the display of the deceased and rituals connected with, and conducted before burial or cremation, and for funeral services. This definition includes columbaria and may include a facility for the permanent storage of cremated human or animal remains.

G

Geologic Hazard Area

An area identified by a qualified state or federal government agency as containing or being directly affected by a geologic hazard.

Golf Course

A tract of land typically laid out for at least nine holes for playing the game of golf that may include the following accessory uses: a clubhouse, dining and snack bars, pro shop, and practice facilities.

Golf Driving Range

A tract of land devoted as a practice range for practicing golf shots.

Government Service Facility

A facility owned or operated by a unit of local, state, or federal government and engaged in providing services unique to government or generally performed by units of government rather than by private commercial businesses.

Grade

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

Grade, Finished

The level of the soil after completion of site development.

Grade, Natural

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

Grand Junction Circulation Plan (formerly known as Major Street Plan and Grand Valley Circulation Plan)

A plan or plans showing the location of right-of-way which will be developed and for which development and uses must accommodate. Plans for areas smaller than the entire City are still "Grand Valley Circulation Plans or Major Street Plans." The City relies on the authority in Title 31 C.R.S. in addition to its other powers and authority.

Gross Acre

A full acre of land prior to subdivision and prior to dedication of any required rights-of-way or easements.

Gross Acreage

The area of a proposed development, including proposed dedications of easements, rights-of-way, or other property rights, but excluding existing rights-of-way dedicated prior to January 1, 1995.

Gross Floor Area (GFA)

The sum of the areas of all floor levels of a building or structure.

Gross Leasable Area (GLA)

The total building area, expressed in square feet and designed for tenant occupancy and exclusive use, including any basements, mezzanines, or upper floors, as measured from exterior walls or the centerline of walls separating two abutting buildings, but excluding any space where floor-to-ceiling height is less than 6.5 feet.

Ground Cover

Grass or other plants and landscaping grown to keep soil from being blown or washed away.

Ground Story

The story closest to and above grade along the street.

Group Living (Use Category)

Uses in this category are characterized by residential occupancy of a structure by a group of people who do not meet "the definition of "household living." Tenancy is arranged on a month-to-month or longer basis and the size of the group may be larger than a family. Group living usually includes common eating areas for residents, and residents may receive care, training, or treatment. Caregivers often reside at the site. Accessory uses commonly include recreational facilities, personal storage buildings, gardens, and parking.

Group Living Facility

A group living facility is a type of group living characterized by the provision of training, treatment, supervision or other professional support or care and who receive care, training, treatment, supervision or other support from caregivers or staff on site. Tenancy is arranged on a monthly or longer basis, and the size of the group may be larger than a typical family. Uses where tenancy may be arranged for a shorter period are not considered residential; they are considered to be either a form of lodging facility. Generally, group living structures have a common eating area for residents, but a common eating area by itself, without other care, treatment, supervision or other professional or health support services being provided on site, does not indicate a group living facility (a multifamily residential facility, such as apartments, may, for example, have a common eating area).

Group Living Facility, Small

A facility designed for and occupied by five to nine residents living together.

Group Living Facility, Large

A facility designed for and occupied by 10 to 16 residents living together.

Group Living Facility, Unlimited

A facility designed for and occupied by 17 or more residents living together.

Guest Ranch

A working ranch with an accessory use for the lodging and/or boarding of guests which provides recreational activities on, or adjacent to, the ranch.

H**Habitable Space**

Any habitable room or group of habitable rooms that provide sleeping facilities alone or in combination with required cooking, eating, or living facilities.

Hardscape

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

Hazard Prone Area

An area which has not yet been designated by the state or federal government as a geological hazard area but where historical evidence, climatological data, surface or subsurface geological, topographical, vegetative, or other on-site naturally occurring factors indicate a relatively greater risk of property damage than exists on other parcels in the City.

Hazardous Substance

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

Headwater

The source of a stream or river.

Health Club

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

Health Department

The Mesa County Health Department.

Health Facilities (Use Category)

Uses in this category are characterized by activities focusing on medical services, particularly licensed public or private institutions that provide primary health services and medical or surgical care to persons suffering from illness, disease, injury, or other physical or mental conditions. Accessory uses may include laboratories, outpatient, or training facilities, and parking or other amenities primarily for the use of employees in the firm or building. These uses do not include spas, massage parlors, or other health and wellness establishments that meet the definition of personal services.

Heavy Equipment

Large equipment including, but not limited to: trucks with greater than a one and one-half ton rating, cranes, crawler type tractors, earth movers, dump trucks and other equipment of equal or greater size and weight.

Hedge Vegetation

A plant from the list approved by the City Forester which will grow, with regular trimming, to a height of four to six feet maximum. At planting, the hedge shall be at least one foot high.

Height of Structure

The vertical distance from the grade to the highest point of any portion of a structure.

Helipad

A facility without the logistical support provided by a Heliport where helicopters takeoff and land. Helipads do not include facilities for maintenance, repair, fueling or storage of helicopters.

Highest Adjacent Grade

The highest natural elevation of the ground surface prior to construction next to the proposed wall of a structure.

Hillside Disturbance

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

Home Occupation

A business activity or occupation carried on within a dwelling by members of the family occupying the dwelling.

Homeowner Association

A formally constituted nonprofit association made up of the property owners and/or residents of a fixed area, which association is formed for the purpose of assuming permanent responsibility for costs and upkeep of common areas, open space, and similar shared facilities. May also be referred to as a form of Owner Association, such as Property Owner Association or Community Owner Association.

Hospital

An institution providing health services primarily for human inpatient medical or surgical care and including related facilities as laboratories, outpatient departments, training facilities, rehabilitation facilities, central services facilities, and staff offices that are an integral part of the facilities.

Hotel or Motel

An establishment in which lodging is provided and offered to the public for compensation, for periods of time not exceeding thirty days and that is commonly known as a hotel or motel in the community in which it is located.

Household

A family, or a group of not more than four unrelated persons, living together in a single dwelling unit, with common access to and common use of all living and eating areas and all areas and facilities for the preparation and serving of food within the dwelling unit.

Household Living (Use Category)

Uses in this category are characterized by residential occupancy of a dwelling unit by a household. Tenancy is arranged on a month-to-month or longer basis. Common accessory uses include recreational activities, gardens, personal storage buildings, and residential parking.

Household Pets

Those animals which are commonly kept as pets: dogs, cats, fish, small birds (e.g., parakeets, parrots), rodents (e.g., mice, rats), and reptiles (nonpoisonous snakes, lizards).

I**Impervious Surface**

Any material that prevents absorption of stormwater into the ground.

Improved Area

The developed portion of a property consisting of areas occupied by buildings, asphalt, concrete, gravel, or landscaped area. Where phased development is proposed, the improved area shall be identified and measured separately for each phase of development.

Improvements

Right-of-way pavements, curbs, gutters, sidewalks, paths, trails, bikeways, sedimentation control facilities, revegetation, landscaping, water mains, sanitary and storm sewers, drainageways, gas lines, electrical and telephone lines and appurtenances, street signs, trees and lights, lot pin monuments, range point boxes, and any other similar items required for compliance with the regulations of this Code or the conditions of approval.

Indoor Entertainment and Recreation

An enclosed facility for entertainment, sports, and recreational activities such as health clubs, game arcades, bowling, skating rinks, swimming, tennis, health and fitness centers, gyms, movie theaters, wedding venues, and similar indoor activities.

Industrial, Artisan

An establishment or business where an artist, artisan, or craftsperson teaches, makes, or fabricates crafts or products by hand or with minimal automation and may include direct sales to consumers.

Industrial, Light

The assembly, fabrication, or processing of goods and materials using processes that ordinarily do not involve significant truck traffic or railroad operations and do not create material amounts of noise, smoke, fumes, odors, glare, or health or safety hazards outside of the building or lot where such assembly, fabrication, or processing takes place, and where such processes are housed entirely within an enclosed building, except as may be authorized in this Code. Light manufacturing generally includes processing and fabrication of finished products predominantly from previously prepared materials and includes processes not involving flammable or explosive materials. Examples of activities include but are not limited to commercial laundries, food products and wholesale bakeries, newspaper and printing establishments, hair products and barbering supplies, signs and other metal workings, architectural and artist supplies, ceramics and miscellaneous clothing or accessories, small medical or specialty equipment, or musical instruments; and assembly of small appliances or equipment. This use includes research, testing and non-medical laboratory facilities.

Industrial, Heavy

The assembly, fabrication, or processing of goods and materials using processes that ordinarily have greater than minimal impacts on the environment, or that ordinarily have significant impacts on the use and enjoyment of adjacent property in terms of truck traffic, railroad activities, noise, smoke, fumes, visual impact, odors, glare, or health and safety hazards, or that otherwise do not meet the definition of light industrial. Heavy manufacturing generally includes processing and fabrication of products made from extracted or raw materials or products involving flammable, hazardous, or explosive materials and processes, uses involving the fabrication, use, or repair of heavy special purpose equipment. Examples of this use include atmospheric gas production plant, lumbermill or sawmill, tannery, asphalt, and concrete batch plant, bottling and distribution plants, and construction materials manufacturing unless performed on a scale that meets the definition of "artisan industrial."

Infill Development

The development of new housing or other buildings on scattered sites in a built-up area.

Infrastructure

Facilities and services needed to sustain industry, residential, commercial and all other land use activities.

Integral Units

Items, equipment, or machinery which are assembled or constructed to function as a single unit, such as, but not limited to, large cranes, drilling rigs or other large vehicles, large diameter pipes or culverts, large scale motors or transformers, etc., or, in the case of salvage or junkyards, shelving or other storage units, not to exceed 20 feet in height, that are used to store and display salvage items.

Irrigation or Irrigate

Use of water, whether or not potable, to sustain or grow landscaping or flora.

J**Jail**

A facility established by a law enforcement agency for the detention of adult or juvenile persons while being processed for arrest or detention, awaiting trial, or for punishment and/or counseling as a result of sentencing by a court of jurisdiction for criminal or antisocial behavior.

Junk

Ferrous or nonferrous metals, wood or wood products, appliances not used for their intended purposes, rubber, or plastic products, dismantled or inoperable machinery, equipment, tools, junk vehicles, trash, or similar materials. The term junk excludes outside storage permitted as an accessory use.

Junk Vehicle

Any motor vehicle, trailer, or semitrailer, as those terms are defined by § 42-1-102 C.R.S. that: is not operable in its existing condition because of damage or because parts necessary for operation such

as, but not limited to, tires, engine, or drive train, are removed, destroyed, damaged, or deteriorated; or, is not capable of being lawfully driven on a public highway or street pursuant to the minimum standards set forth in Title 42 of the Colorado Revised Statutes. Any such motor vehicle, trailer, or semitrailer shall be presumed to be a junk vehicle if no current Colorado license plates are displayed thereon, or if Colorado license plates have been invalid for more than 60 days. (Note: The owner or possessor of such a motor vehicle, trailer, or semitrailer may rebut such a presumption by providing proof of current registration or licensing.)

Junkyard or Salvage Yard

Any yard, lot, land, parcel, building or structure, or part thereof, used for storage, collection, processing, purchase, sale, salvage, or disposal of used or scrap materials, equipment, vehicles, or appliances. Junkyards include, but are not limited to, wrecking yards, salvage yards and automobile impoundment areas where stored vehicles are inoperative or unlicensed. Junkyards do not include storage of vehicles used for agricultural purposes on a property used for agricultural purposes, or facilities qualifying as motor vehicle repair shops.

Jurisdiction

The sphere of responsibility of the Grand Junction City Council or a political subdivision of the state.

K

L

Land Reclamation

Increasing land use capability by changing the land's character or environment through drainage and/or fill.

Land Use

A list of uses within categories enumerated in this Code for various uses of land in the City.

Landscape

An area set aside from structures and parking which is developed with natural materials (i.e., lawns, trees, shrubs, vines, hedges, bedding plants, rock) and decorative features, including paving materials, walls, fences, and street furniture.

Landscape Professional

A licensed Colorado landscape architect; or a landscape contractor licensed by the Associated Landscape Contractors of Colorado or the Colorado Arborists and Lawn Care Professionals; or other similarly qualified or certified professional approved by the Director.

Leasehold Interest

A contractual agreement for a possessory estate for the use of lands, structures, buildings, or parts thereof for a fixed time and consideration.

Lighting-Related Definitions

Full Cutoff Light Fixture

A light fixture in which no more than two and one-half percent of its total output is emitted above 90 degrees from the vertical pole or building wall on which it is mounted.

Lighting

An artificial supply of light or the apparatus providing it.

Local Road or Street

A street that provides direct access to adjacent land and access to higher street classifications. All streets or roads not otherwise classified are local.

Lodging Facilities (Use Category)

Uses in this category include facilities where lodging, meals, and other services are provided to transient visitors and guests for a fee for a defined period of time less than 30 days per instance. Accessory uses may include storage, cafeterias, limited retail, health and recreation facilities, and parking or other amenities.

Lot

A parcel of land that is defined on a subdivision plat of record, which is intended to be occupied by a principal building or building and open space. Streets are not included in this definition. (See graphic.)

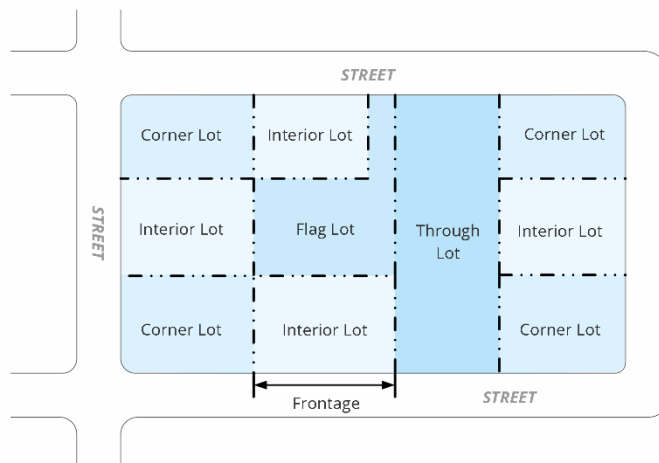


Figure 14.02-5 Lot Types

Lot Area

The area of the lot shall be the horizontal area of the lot and shall not include portions of streets and alleys.

Lot, Corner

A lot abutting upon two or more intersecting streets.

Lot Coverage

That area of the lot or parcel which may be occupied by impervious surfaces.

Lot Depth

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

Lot, Through (Double Frontage)

An interior lot having frontage on two nonintersecting streets.

Lot, Flag

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

Lot Frontage

The distance for which a lot abuts on a street.

Lot, Interior

A lot whose side lines do not abut on any street.

Lot Line

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

Lot Width

The horizontal distance measured at the front yard setback line between side property lines measured parallel to the street, said property lines or to the tangent of a curved street property line. If side property lines are not parallel, the lot width is the shortest distance between the side property lines.

Low Traffic Storage Yard

An enclosed outdoor storage area generating less than 30 average daily trips (30 ADT).

M

Maintain

To use, to keep in existence. To continue upkeep is not required to meet the definition of "maintain."

Major Subdivision

A subdivision consisting of two or more proposed new lots.

Manufactured Building Sales and Service

A retail sales and service use in which prefabricated or manufactured buildings are displayed and sold.

Manufactured Home or Housing

Factory-built, single-family structures that meet the National Manufactured Home Construction and Safety Standards Act (42 U.S.C. Section 5401 et seq.), commonly known as the HUD Code (U.S. Department of Housing and Urban Development).

Manufactured Housing Community

A site, lot, tract, or parcel of land used for the continuous accommodation of two or more occupied manufactured homes and maintained for dwelling purposes on a permanent basis on individual lots, pads, or spaces; whether those lots, pads, or spaces be individually owned, leased, or rented. A manufactured housing community does not include manufactured home subdivisions or property zoned for manufactured home subdivisions.

Manufactured Home Subdivision

A parcel or contiguous parcels of land subdivided into two or more lots configured for development of manufactured housing.

Manufacturing and Processing (Use Category)

Uses in this category includes the excavation, transporting, manufacture, fabrication, processing, reduction, destruction, or any other treatment of any article, substance, or commodity, in order to change its form, character or appearance. Accessory uses may include retail sales, offices, storage, cafeteria, employee amenities, parking, warehousing, and repair facilities.

Master Plan

A long-range plan for major institutional and civic facilities that considers community benefits and impacts.

Maximum Extent Practicable

The Director has determined that no feasible or prudent alternative exists, that all possible efforts to comply with the standards or regulation or minimize potential harmful or adverse impacts have been undertaken by an applicant, and that the costs of complying with a Code standard or criteria clearly outweigh the benefits to the public of complying with the standard or criteria. Economic considerations may be taken into account, but shall not be the overriding factor determining whether compliance with a standard or criteria in this Code is impracticable.

Medical or Dental Clinic

A health care facility where patients are admitted for examination and treatment on an outpatient basis by one or more physicians, dentists, other medical personnel, psychologists, counselors, therapists, or social workers, and where patients are not usually lodged overnight. This use includes dialysis and other outpatient services clinics and emergency care clinics without ambulance services. This use includes establishments providing support to the medical profession and patients, such as medical and dental laboratories, blood banks, oxygen, and miscellaneous types of medical supplies and services.

Meeting, Banquet, Event, or Conference Facility

A facility with or without food preparation equipment, used for meetings, conferences, receptions, fellowship, catered meals, and other social functions; and available on a rental basis to the general public.

Mining and Extraction

The development or extraction of mineral deposits, including but not limited to limestone, coal, sand, rock, clay, dirt, gravel, and other materials, and quarry aggregate from their natural occurrences on affected land. The term includes but is not limited to cement and asphalt batch plants, open pit mining and surface operations, strip mining, quarrying, dredging, and the disposal of refuse from those activities.

Mini-Warehouse

A structure or group of structures containing separate, individual, and private storage spaces of varying sizes, leased, or rented on individual leases for varying periods of time.

Minor Arterial

A street, as identified in the Grand Junction Circulation Plan, which has a relatively high overall travel speed, with minimal interference and which interconnects with the principal arterial system.

Mitigation

Methods used to alleviate or lessen the impact of development.

Mobile Food Vendor

A readily movable, motorized wheeled vehicle or towed wheeled vehicle that is equipped to prepare, serve, and sell or dispense food and is registered with a department/division of motor vehicles.

Mobile Food Vendor Court

Three or more Mobile Food Vendors on the same property.

Mobile Home

A single-family dwelling, factory-built and factory-assembled residence which does not comply with the National Manufactured Homes Construction Safety and Standards Act. (42 U.S.C. Section 5401 et seq., 1978, as amended).

Mobile Home Park

A parcel of land used for the continuous accommodation of two or more occupied mobile homes. Mobile home parks are typically operated for the financial benefit of the owner of the parcel of land but may also include individual lot ownership. Mobile home park does not include manufactured home parks or subdivisions.

Mudflow

A flowing mass of predominantly fine grained earth material possessing a high degree of fluidity during movement.

Mulch

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

Multi Stem Tree

A tree that has one stem at ground level but that splits into two or more stems above ground level. Trees whose stems diverge below ground level are considered separate trees.

Municipality

An incorporated city or town.

N**Natural Hazard**

A geologic, floodplain, or wildfire hazard as identified by a state or federal agency.

Natural Resource

Existing natural elements relating to land, water, air, plant, and animal life, including, but not limited to, soils, geology, topography, surface and subsurface waters, wetlands, vegetation, and animal habitats.

Neighborhood

An area of a community with characteristics that distinguish it from other areas and that may include distinct ethnic or economic characteristics, housing types, schools, or boundaries defined by physical barriers, such as major highways and railroads or natural features, such as rivers. (Note: Historically, the neighborhood was defined as the area served by an elementary school, with shopping and recreation facilities to serve neighborhood residents. While the description is probably dated, the neighborhood designation is useful in analyzing the adequacy of facilities and services and in identifying factors affecting the quality of the built environment. In addition, as a distinct and identifiable area, often with its own name, neighborhoods are recognized as fostering community spirit and a sense of place, factors recognized as important in community planning.) Or: That area with definite boundaries as determined by the Director on a case-by-case basis to meet the intent and purpose of the Code.

Neighborhood Association

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

Net Floor Area

The square footage of the principal use area of a building including restrooms, hallways and stairwells, but not including normally unoccupied areas such as garages, storage rooms, and furnace areas.

Nonconforming

A legal use, structure, and/or development which existed prior to the adoption of this Code or any amendment thereto, which does not presently conform to this Code or its amendments.

Nonconforming Structure or Building

A structure or building, the size, dimensions, or location of which was lawful prior to the adoption, revision, or amendment to the zoning ordinance but that fails by reason of such adoption, revision, or amendment to conform to the present requirements of the zone district.

Nonconforming Use

A use or activity that was lawful prior to the adoption, revision, or amendment of the zoning ordinance but that fails by reason of such adoption, revision, or amendment to conform to the present requirements of the zone district.

Nonprofit

Organizations having 501(c)(3) filing status with the Internal Revenue Service.

Notice

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

Noxious or Invasive Species

Non-native plants that have a recognized harmful impact on natural habitats and/or are likely to displace native plant species for light, space, soil moisture and nutrients, including those noxious species identified under the Colorado Noxious Weed Act codified at C.R.S. Title 35 Article 5.5, as amended.

Nursery or Greenhouse

A place where plants are raised, acquired, and maintained for transplanting or sale. It may also include, either exclusively or in conjunction with the above activities, the sale of materials commonly used for landscaping purposes, such as soil, rock, bark, mulch and the sale or rental of small landscaping tools and supplies.

Nursing Care or Convalescent Facility

A licensed health care entity that is planned, organized, operated, and maintained to provide supportive, restorative, and preventative services to persons who, due to physical and/or mental disability, require continuous or regular inpatient nursing care. Convalescent facilities may be either an integral patient care unit of a general hospital or a facility physically separated from, but maintaining an affiliation with, all services in a general hospital.

O

Oil and Gas Drilling

Equipment or improvements used or installed at an oil and gas location for the exploration, production, withdrawal, gathering, treatment, or processing of crude oil, condensate, E&P waste, or

gas. Any well, wellhead, flowlines, tanks, surface equipment, or associated infrastructure used in the development, production, storage, or marketing of oil, natural gas, natural gas liquids, or other hydrocarbon resources.

Offenders

For the purpose of community corrections facilities, persons accused or convicted of a felony, misdemeanor, or other criminal offense.

Office

Establishments that provide executive, management, administrative, or professional services, but not involving the sale of merchandise except as incidental to a permitted use. Typical examples include banks or financial institutions, government, real estate, insurance, property management, investment, employment, travel, advertising, law, architecture, design, engineering, accounting, call centers, and similar offices.

Office and Personal Services (Use Category)

Uses in this category provide executive, management, administrative, governmental, or professional services or are primarily engaged in the provision of informational, instructional, personal improvement, personal care, and similar services. Accessory uses may include retail sales, cafeterias, health facilities, and parking.

Off-site Improvement

Improvements required to be made off site as a result of an application for development and including, but not limited to, road widening and upgrading, stormwater facilities and traffic improvements.

Off-site Parking

Parking provided for a specific use, but located on a site other than the one on which the specific use is located.

Off-street Parking Space

The space required to park one vehicle, exclusive of access drives, and not on a public right-of-way.

Open Space

Any property or portion without any structure or impervious surface and not designated and used for a specific purpose.

Open Space Fee

A fee paid by the developer of a new residential development to the City for the purpose of acquisition and development of open space.

Ornamental Tree

A tree that has a height and spread between 15 feet and 30 feet at maturity.

Outdoor Display and Sales

Outdoor display and sales includes portable display taken inside at the close of each business day or a display of items of merchandise for immediate sale and open to customers for browsing (such as, but not limited to, operable autos, RVs, trucks, modular homes, hot tubs) that is permanently located outdoors. Retail displays including shelving or rack areas higher than six feet, wholesale merchandise displays and other areas not accessible to the general public are considered outdoor storage. This use does not include merchandise displayed immediately adjacent primary facade near the customer entrance(s) that does not protrude into parking areas or drive aisles or beyond the eaves, roof overhang or covered entrance area.

Outdoor Entertainment and Recreation

Outdoor facilities, excluding racetracks, for outdoor concerts, amusement parks, miniature golf, drive-in theaters, go-cart tracks, stadiums, and other similar outdoor activities, and that may provide limited bleacher-type seating for the convenience of users. This use includes facilities for outdoor sports such as private swimming pools, tennis and basketball courts, sports fields, and playgrounds. This use includes outdoor wedding venues.

Outdoor Living Area

Any property or portion thereof which is permanently set aside for public or private use, is landscaped with living plant material (a minimum of 75 percent coverage), and will not be further developed. The area can include landscape buffers. The area calculation excludes detention areas, parking areas, and driveways.

Outdoor Storage, Accessory

An outdoor area used for the long-term deposit (more than 48 hours) of any goods, material, merchandise, or vehicles that occupy a volume of more than 150 cubic feet as an accessory use to and associated with a principal use on the property.

Outdoor Storage, Commercial

An outdoor area in which storage spaces are used by consumers/tenants for short- and long-term storage of personal property. Consumers/tenants retain "care, custody and control" of their personal property. Outdoor storage includes, but is not limited to, camper/RV storage, commercial and industrial product storage (e.g., sand and gravel), as well as landscape storage and contractor storage.

Overburden

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

Overflow Parking

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

Overlay District

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

Owner

An individual, firm, association, syndicate, partnership, or corporation having sufficient proprietary interest to seek development of land.

P**Parcel**

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

Park Impact Fee

A fee paid by the developer of a new residential development to the City for the purpose of acquisition and development of park facilities.

Park, Lake, Reservoir, or Other Open Space

Uses of land that are characterized primarily by natural areas, large areas consisting mostly of vegetative landscaping or outdoor recreation, or community gardens, or public squares. Structural improvements are generally limited to those structures that facilitate the use of the land as park and open space. Accessory uses may include playgrounds, maintenance facilities, swimming pools, restrooms and dressing rooms, concessions, and parking.

Parks and Open Space (Use Category)

Uses in this category focus on natural areas, large areas consisting mostly of vegetative landscaping or outdoor recreation, community gardens, or public squares. Lands tend to have few structures. Accessory uses may include clubhouses, playgrounds, maintenance facilities, concessions, and parking.

Parking Garage, Commercial

An structure or portion of a structure composed of one or more levels or floors exclusively used for the parking of vehicles as a principal use of land. A parking garage may be totally below grade or either partially or totally above grade, with those levels being either open or enclosed. Parking is generally available to the public, and a fee is generally charged. Parking facilities that are accessory to a principal use are not considered commercial parking uses.

Parking Lot, Commercial

An off-street, ground-level, open area used for the parking of vehicles as a principal use of land. Parking is generally available to the public, and a fee is generally charged. Parking facilities that are accessory to a principal use are not considered commercial parking uses.

Parkway Strip

The undeveloped portion of right-of-way between the back of curb and the detached sidewalk.

Pasture, Commercial

Land, including fenced fields, where plants, including but not limited to hay, grass, alfalfa, or corn are cultivated and irrigated or watered and are grown for the purpose of grazing.

Pedestrian Right-of-way

A right-of-way or easement dedicated for public pedestrian access.

Persigo Agreement

The agreement between the City of Grand Junction and Mesa County, signed on October 13, 1998, setting forth the agreed upon boundaries of the 201 Sewer District and how development and annexation shall occur within those boundaries.

Person

Natural persons as well as any other entity recognized by law, including: association, partnership, corporation, and joint venture, whether for-profit or nonprofit.

Personal Service

A facility that provides individualized services generally related to personal needs. These include, but are not limited to, laundry, including cleaning and pressing service, beauty shops, barbershops, shoe repair, personal copying/shipping services, health spas, photographic studios, tailor/seamstress shop, indoor equipment/party/event rental, tanning salon, bicycle and sports equipment repair, small and large appliance repair, tattoo parlors and similar uses.

Petitioner

An applicant.

Planned Development (PD)

An area of land zoned and improved as a development for which the otherwise applicable bulk use and other requirements may be modified in order to allow for more flexible planning in conformance with the development approval process.

Planning Clearance

A permit that allows development to proceed, a use to be made or maintained or improvements, including structures to be built.

Planning Commission

The City of Grand Junction’s Planning Commission. Also referred to as Commission.

Plat

A map approved by the City which creates lots or tracts and is recorded, surveyed, and legally described land, having appropriate dedication and/or restrictions, which is an instrument for recording of real estate interests with the Mesa County Clerk and Recorder’s office.

Preliminary Plan

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

Preliminary Subdivision Plan

A map indicating the proposed layout of the subdivision or site plan that is submitted to the approving authority for preliminary approval.

Primary Development

Any enclosed habitable structure on a permanent foundation, any engineered wall required for orderly development such as retaining walls, underground utilities, required paved surfaces such as roads, trails and/or sidewalks, and any site work required for public safety such as storm drain systems.

Primary Transmission Line

Either (GVP): Overhead D4 Line Size, or (Xcel) a three-phase mainline ("feeder") 600-amp or greater construction and with conductors greater than #4/0 ACSR.

Principal Arterial

A street, as identified in the Grand Junction Circulation Plan, which provides a network of continuous routes serving intrastate and interstate travel as well as interurban and intraurban travel.

Principal Structure

The structure in which the principal use of a property is conducted. This shall include any buildings which are attached to the principal structure by a covered structure.

Principal Use

The main or principal use of a parcel of land.

Private

Anything not owned or operated by the federal government, state government, or any political subdivision.

Produce Stand

A temporary open air stand or place for the seasonal selling of agricultural products.

Property

A lot, parcel, tract, or other real estate. Separate parcels, lots, tracts and/or other real estate which are under the same ownership and which adjoin or abut are, for the purpose of this Code, treated as one lot, parcel or tract or other real estate, even if classified as different tax parcels and even if separated by a right-of-way, watercourse, or similar barrier.

Public

Anything owned or operated by the federal government, state government, or any political subdivision.

Public Building

Any building owned, leased or held by the United States of America, the State of Colorado, Mesa County, the City of Grand Junction, any school district or other agency or political subdivision, which building is used for governmental purposes.

Public Hearing

A public meeting for which public notice has been given and an opportunity for public testimony is provided.

Public Land for Dedication and Ownership

Parks, playgrounds, schools, drainage channels, trails, highways, roads and streets or other areas of land accepted by the City Council and dedicated for the public's use or benefit.

Public Meeting

A meeting of a board, Planning Commission, City Council, or their representatives where the public may attend.

Public Notice

Notice to the public of a public hearing or meeting as required by state or local law. See GJMC 21.02.030(g).

Public Trail

Any pathway designed for public recreation.

Q

R

Reclamation

Rehabilitation of plant cover, soil stability, water resources, and other measures which will allow or cause flora to permanently grow on land.

Recorded/Record

A document filed with and indexed by the Mesa County Clerk and Recorder.

Recreation and Entertainment (Use Category)

Uses in this category include indoor and outdoor recreation and entertainment activities. Accessory uses may include limited retail, concessions, parking, and maintenance facilities.

Recreational Vehicle

All vehicles, with or without motive power, designed, converted, or used to provide temporary living quarters that include four or more of the following permanently installed facilities: cooking, refrigeration or ice box, self-contained toilet, heating and/or air conditioning, potable water supply system including faucet and sink, separate 110 to 125 volt electrical power supply and/or LP gas supply. Recreational vehicles shall also include the following: all watercraft subject to registration by

the State of Colorado, all motorcycles, mini bikes, all-terrain vehicles (ATVs), go-carts and similar vehicles with motive power that are prohibited from operating on a public street by the State of Colorado. All other vehicles and crafts designed to carry one or more adults used primarily for recreational purposes that are prohibited from operating on a public street by the State of Colorado, all trailers designed or used to carry any recreational vehicle described herein.

For the purpose of this Code, an empty trailer or a recreational vehicle not on a trailer shall each be counted as one recreational vehicle. However, a trailer carrying one or more recreational vehicles shall together be counted as one recreational vehicle. Also includes a semi-trailer, loaded, or unloaded, utility trailers, loaded or unloaded, or any other type or use of a trailer.

Recycling Collection Facility

A structure or facility in which used materials such as papers, glassware, plastics, and metal cans are separated, recycled, and processed prior to shipment to others that will use those materials to manufacture new products.

Recycling Collection Point

An incidental use that serves as a neighborhood drop-off point for temporary storage of non-hazardous recoverable or recyclable goods such as, but not limited to, newspapers, glassware, plastics, clothing, and metal cans. No on-site processing of such items would be allowed.

Regulated Cannabis Cultivation Facility

An entity licensed to cultivate, prepare, and package cannabis and sell cannabis to retail cannabis stores, to cannabis product manufacturing facilities, and to other cannabis cultivation facilities, but not to consumer.

Regulated Cannabis Hospitality and Sales Business

A facility that cannot be mobile, that is licensed to permit the consumption of only the retail cannabis or retail cannabis products it has sold pursuant to the provisions of an enacted, initiated, or referred ordinance or resolution of the local jurisdiction in which the licensee operates.

Regulated Cannabis Products Manufacturing Facility

An entity licensed to purchase cannabis; manufacture, prepare, and package cannabis products; and sell cannabis and cannabis products to other cannabis product manufacturing facilities and to retail cannabis stores, but not to consumers.

Regulated Cannabis Store

An entity licensed to purchase regulated cannabis from regulated cannabis cultivation facilities and to sell regulated cannabis to consumers and regulated cannabis testing facilities that are licensed to analyze and certify the safety and potency of cannabis.

Regulated Cannabis Transporter Business

An entity or person that is licensed to transport retail cannabis and retail cannabis products from one regulated cannabis business to another regulated cannabis business and to temporarily store

the transported regulated cannabis and regulated cannabis products at its licensed premises but is not authorized to sell regulated cannabis or regulated cannabis products under any circumstances.

Regulation

An applicable provision of this Code or any other requirement promulgated under this Code or the Grand Junction Municipal Code.

Renewable Energy Facility, Accessory

The use of land for:

1. Solar collectors or other devices or structural design features of a structure that rely upon sunshine as an energy source and is capable of collecting, distributing, or storing the sun's radiant energy for a beneficial use;
2. Land area and equipment for the conversion of natural geothermal energy into energy for beneficial use; or
3. Wind energy systems.

Request

A writing seeking a Planning Clearance. This is the same as an application.

Residence

A home, abode, or place where an individual is actually living at a specified point in time.

Resort Cabin and Lodge

A building or group of buildings, under single management and ownership, containing rooms and/or units available for temporary rental to transient guests, which serves as a destination point for visitors, and where the primary attraction is major natural areas, recreational features, or activities for persons on vacation.

Restaurant

An establishment serving food and/or beverages that are prepared, served, and consumed either within an enclosed building or accessory outdoor eating and drinking areas on the premises, taken out, or delivered.

Resubdivision

The changing of an existing parcel created by a plat and recorded with the County Clerk and Recorder.

Retail Sales (Use Category)

Uses in this category involve the sale, lease, or rent of new or used products directly to the final consumer for whatever purpose, but not specifically or exclusively the purpose of resale. Accessory uses may include offices, parking, storage of goods, assembly, repackaging, or repair of goods for on-site sale.

Retail Sales and Service

Establishments engaged in selling, leasing, or renting goods or merchandise to the general public for personal or household consumption including, but not limited to antiques, art, art supplies, bicycles, clothing, dry goods, electronic equipment, fabric, furniture, garden supplies, gifts, hardware, home improvements, household products, jewelry, pet food, pharmaceuticals, printed material, and sporting goods, and rendering services incidental to the sale of such goods.

Retail Sales and Service, Small

A facility or establishment with up to 5,000 square feet of gross floor area.

Retail Sales and Service, Medium

A facility or establishment with between 5,001 and 10,000 square feet of gross floor area

Retail Sales and Service, Large

A facility or establishment with between 10,001 and 60,000 square feet of gross floor area.

Retail Sales and Service, Big Box

A facility or establishment with more than 60,000 square feet of gross floor area.

Retaining Wall

A manmade barrier constructed for the purpose of stabilizing soil, retarding erosion, or terracing a parcel or site.

Revision

Minor changes to an application or approval. Revisions are changes that can be approved within the scope of GJMC 21.02.040(c).

Revocable Permit

A permit issued by the City Council, pursuant to Section 127 of the City Charter, allowing the construction in, or use of, a public right-of-way and revocable after 30 days' notice.

Ridgeline

The highest elevation of a mountain chain or line of hills; the intersection of two roof surfaces forming the highest horizontal line of the roof.

Riding Academy, Roping or Equestrian Area

A facility or place used for horse boarding (including equestrian pasture boarding) and/or equestrian activities for a fee, and/or for an exchange of goods or services. This includes facilities where horses are harbored and the general public may, for a fee, hire horses for riding.

Right-of-way

A strip of land acquired by reservation, dedication, forced dedication, prescription, or condemnation and intended to be occupied by a road, crosswalk, railroad, electric transmission lines, oil or gas pipeline, waterline, sanitary storm sewer, and other similar uses; generally, the right of one to pass over the property of another.

Roadway

The improved portion of a street within a right-of-way and/or easement.

Roof Line

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

Rooster

A rooster shall be defined as any adult male domestic chicken which is three months of age or older.

Root Ball

The mass formed by the roots of a plant and the soil surrounding them at the time of planting.

Rootzone

The area of the ground around the base of the tree where rooting occurs, as measured from the trunk to a distance twice the radius of the canopy drip line.

Rubbish

Rubbish includes but is not limited to food waste, ashes and other solid, semisolid, and liquid waste, by-products and generally decomposable residue taken from residences, commercial establishments and institutions. Rubbish may also be known as/referred to as "garbage," "trash," or "waste" as those terms are used and/or defined in this Code or any other City code, law, rule, or regulation.

S

Safety Service Facility

Facilities for the provision of local rapid response emergency services such as policing, firefighting, and mobile medical emergency services, including areas for the storage and maintenance of emergency vehicles and equipment and housing and feeding of emergency personnel.

Sanitary Facility

A facility providing a toilet and washbasin that may or may not be connected to a central sanitary sewer system.

Satellite Dish

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

School, Boarding

An educational institution at which pupils are provided with meals and lodging.

School, Public or Private

A public or private institution that offers general academic instruction at preschool, kindergarten, elementary, and secondary levels.

School, Vocational, Technical, or Trade

A secondary or higher education facility primarily teaching usable skills that prepares students for jobs in a trade or in industry, construction, or commerce, and meeting all applicable state requirements for a facility of its type

Screening

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

Secured/Security

Cash, letter of credit or other readily available source of money.

Service Lines

Electric, gas, communication, water, sewer, irrigation, and drainage lines providing local distribution or collection service.

Setback

The minimum distance between a structure and a property line of a parcel of land or other established reference point.

Shade Tree

A tree that has a height and/or spread of 30 feet or greater at maturity.

Shooting Range, Indoor

An indoor facility used for firearm target practice, competitions, or similar uses, including but not limited to archery, skeet, trap, paintball, and similar shooting activities.

Shooting Range, Outdoor

An outdoor area or facility to be used for firearm target practice, competitions, or similar uses, including but not limited to archery, skeet, trap, and similar shooting activities.

Short-Term Rental

A type of lodging wherein a dwelling unit, either in full or in part, is rented to a temporary occupant(s) for monetary consideration for fewer than 28 consecutive days. A bed and breakfast and a home used similar to a rooming/boarding house but where stays are fewer than 30 consecutive days is also a short-term rental. Short-term rental does not include shelters or other transient lodging as defined as a community service use.

Short-term Rental, Primary

a short-term rental that makes available for rent all bedrooms in a dwelling unit in a principal structure, excluding accessory dwelling units attached to a principal structure.

Short-term Rental, Secondary

A short-term rental that makes available for rent less than all the bedrooms in a principal dwelling unit, or an accessory dwelling unit.

Shrub

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

Sight Distance Triangle

A triangular-shaped portion of land established at street intersections in which nothing is erected, placed, planted, or allowed to grow in such a manner as to limit or obstruct the sight distance of motorists entering or leaving the intersection.

Sign-Related Definitions

Sign

Any device, fixture, placard, structure, painted surface, or part thereof that uses any color, word, written representation, graphic symbol, logo, letters, illumination, numbers, or writing to advertise, announce or identify the purpose of, a person or entity, to advertise or merchandise a product or service, or to communicate written information to the public. (See graphic.)

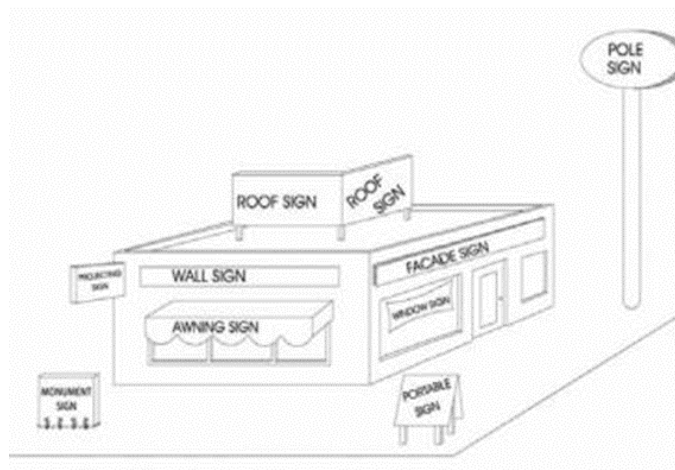


Figure 14.02-6 Sign Types

Sign, Awning

A sign that is mounted, painted, or attached to an awning.

Sign, Monument

A sign other than a pole sign in which the entire bottom is in contact with, or is close to, the ground and is independent of any other structure.

Sign, Façade

A sign painted on a wall of a building with or without a background. A facade sign shall not project from the building on which it is painted.

Sign, Flush Wall

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

Sign, Freestanding

A sign structure which is supported by one or more columns, uprights, poles, or braces extended from the ground or which is erected on the ground. (See graphic above.)

Sign, Illegal

A sign which is in violation of the requirements of this Code except for those signs qualifying as nonconforming (see sign regulations, GJMC 21.10.050).

Sign, Integral

A sign that is carved into stone, concrete or similar material or made of bronze, aluminum, or other permanent type construction and made an integral part of the structure.

Sign, Permanent

A sign which is securely attached to the ground or a structure so that it cannot readily be moved.

Sign, Portable

A sign which is not permanently attached to the ground or a structure. A sign that is mounted or erected upon a vehicle, van, truck, automobile, bus, railroad car or other vehicle which is not registered and not in operating condition shall be considered a portable sign. (See graphic above.)

Sign, Projecting

A sign attached to a structure wall and extending outward from the wall more than 12 inches. (See graphic above.)

Sign, Roof Top

A sign that is mounted on the roof of a building or that is wholly dependent upon a building for support and that projects above the top walk or edge of a building with a flat roof, the eave line of a building with a gambrel, gable or hip roof, or the deck line of a building with a mansard roof. (See graphic above.)

Sign, Wind Driven

One or more banners, flags, pennants, ribbons, spinners, streamers, captive balloons or other objects or materials designed or intended to move when subjected to pressure by wind or breeze and by that movement attract attention and function as a sign (see definition of Sign).

Sign Without Backing

Any word, letter, emblem, insignia, figure or similar character or group thereof that is neither backed by, incorporated in, or otherwise made a part of any larger display.

Significant Landscape Feature

Any outstanding natural element, including, but not limited to, vegetation, rock outcrops, and prominent landforms.

Site Plan

The development plan for one or more lots on which is shown the existing and proposed conditions of the lot, including topography, vegetation, drainage, floodplains, wetlands and waterways; landscaping and open spaces, walkways, means of ingress and egress, circulation, utility services, structures and buildings, signs and lighting, berms, buffers, and screening devices, surrounding development, and any other information that reasonably may be required in order that an informed decision can be made by the approval authority.

Solid Waste Disposal or Processing Facility

An area of land and any related facility owned or operated by the City of Grand Junction that is designed or operated for the purpose of disposing of solid waste on or in the land and at which solid waste is disposed of in or on the land.

SSID

Submittal Standards for Improvements and Development as adopted by the City of Grand Junction.

Staff

The staff of the Grand Junction Community Development Department.

Storage, Wholesale, and Warehousing (Use Category)

Uses in this category are engaged in the storage or movement of goods for themselves or other businesses. Goods are generally delivered to other businesses or the final consumer, except for some will-call pickups. There are typically few customers present.

Street

Any public or private roadway, but not an alley.

Street, Primary

The principal frontage for a building site, as defined during site plan review.

Street, Side

The frontage that is not a primary street, as defined during site plan review.

Streetscape

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

Structure

Anything constructed or erected which requires location on or in the ground, or is attached to something having a location on the ground or anything as defined by the International Building Code. Structures do not include piped ditches and their appurtenances, poles, lines, cables, transmission or distribution facilities of public utilities, freestanding mailboxes, on grade slabs, walks, driveways, landscaping materials or fences, except that fences in excess of six feet shall be considered a structure. (See also Building.)

Subdivision

The division of land into two or more parcels, separate interests including condominium(s) and leasehold interest(s), or interests in common, unless exempted by this Code. Unless the method of disposition is adopted for the purpose of evading any provision or purpose of this Code, the term "subdivision" shall not apply to any division of land:

1. Which is created by order of any court in this state, but only if the City Attorney has received sufficient notice of the proposed order so that the City may object thereto, as its interests may dictate;
2. Which is created by a lien, mortgage, deed of trust, or any other security instrument which became effective prior to June 1, 1989;
3. Which is created by a security or unit of interest in any investment trust regulated under the laws of this state or any other interest in any investment entity which became effective prior to June 1, 1989;
4. Which creates cemetery lots;
5. Which creates an interest or interests in oil, gas, minerals, or water which are now or hereafter severed from the surface ownership of real property; or
6. Which is created by the acquisition of an interest in land in the name of a husband and wife or other persons in joint tenancy or as tenants in common, so long as any partition so that the City may object thereto, as its interests may dictate; any such interest shall be deemed, for the purposes of this Code, as only one interest.

Suitable Plant List

A list maintained by the Director of plant species and generally approved to be installed in accordance with this Code.

Surveyor

A land surveyor registered by the State of Colorado.

Swimming Pool, Community

A swimming pool maintained by individuals for the use of more than one household and open to the public, maintained by a school, park district, municipality or other public not for profit organizations.

SWMM

The Stormwater Management Manual (GJMC Title 28) as adopted by the City.

T

TEDS

The Transportation and Engineering Design Standards (GJMC Title 29) as adopted by the City.

Telecommunication-Related Definitions

Alternative Structure

A structure that is not primarily constructed for the purpose of holding antennas but on which one or more antennas may be mounted, such as buildings, water tanks, pole signs, billboards, church steeples, and electric power transmission towers.

Amateur Radio Tower

A tower used for noncommercial amateur radio transmissions consistent with the “Complete FCC U.S. Amateur Part 97 Rules and Regulations” for amateur radio towers.

Ancillary Structure

For the purpose of this section, any form of development associated with a Telecommunications Facility, including foundations, concrete slabs on grade, guy anchors, generators, and transmission cable supports, but excluding equipment cabinets.

Antenna

Any apparatus designed for the transmitting and/or receiving of electromagnetic waves, including telephonic, radio or television communications. Types of elements include omnidirectional (whip) antennas, sectionalized (panel) antennas, multi or single bay (FM and TV), yagi, or parabolic (dish) antennas.

Antenna Array

A single or group of antenna elements and associated mounting hardware, transmission lines, or other appurtenances which share a common attachment device such as a mounting frame or mounting support structure for the sole purpose of transmitting or receiving electromagnetic waves.

Antenna Element

Any antenna or antenna array.

ASR

The antenna structure registration number as required by the FAA and FCC.

Base Station

Equipment and nontower supporting structure at a fixed location that enable wireless telecommunications between user equipment and a communications network. Examples include transmission equipment mounted on a rooftop, water tank, silo, or other above ground

structure other than a tower. The term does not encompass a tower as defined herein or any equipment associated with a tower. "Base station" includes, but is not limited to:

1. Equipment associated with wireless telecommunications services such as private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services such as microwave backhaul;
2. Radio transceivers, antennas, coaxial or fiber optic cable, regular and backup power supplies, and comparable equipment, regardless of technological configuration (including distributed antenna systems and small cell networks);
3. Any structure other than a tower that, at the time the application is filed under this section, supports or houses equipment described in this definition that has been reviewed and approved under the applicable zoning or siting process, or under another City regulatory review process, even if the structure was not built for the sole or primary purpose of providing such support.

"Base station" does not include any structure that, at the time the application is filed under this section, does not support or house wireless communication equipment.

Breakpoint Technology

The engineering design of a monopole, or any applicable support structure, wherein a specified point on the monopole is designed to have stresses concentrated so that the point is at least five percent more susceptible to failure than any other point along the monopole so that in the event of a structural failure of the monopole, the failure will occur at the breakpoint rather than at the base plate, anchor bolts, or any other point on the monopole.

Broadband Facility

Any infrastructure used to deliver broadband services or for the provision of broadband service.

Broadband Service

Any technology identified by the U.S. Secretary of Agriculture as having the capacity to transmit data to enable a subscriber to the service to originate and receive high-quality Internet access, voice, data, graphics, and video. Broadband service includes, but is not limited to:

1. Cable Service. The one-way transmission to subscribers of video programming or other programming services and subscriber interaction required for the selection or use of such video programming or other programming service.
2. Telecommunications Service. The offering of telecommunications for a fee directly to the public, or to such classes of users as to be effectively available directly to the public, regardless of the facilities used.
3. Wireless Service. Data and telecommunications services, including commercial mobile services, commercial mobile data services, unlicensed wireless service, and common carrier wireless exchange access services, as all of these terms are defined by federal law and regulations.

Co-Location

The mounting or installation of transmission equipment on an eligible support structure for the purpose of transmitting and/or receiving radio frequency signals for communications purposes so that installation of a new support structure will not be required.

Combined Antenna

An antenna or an antenna array designed and utilized to provide services for more than one wireless provider, or a single wireless provider utilizing more than one frequency band or spectrum, for the same or similar type of services.

Concealed

A tower, ancillary structure, or equipment compound that is not readily identifiable as a Telecommunications Facility and that is designed to be aesthetically compatible with existing and proposed building(s) and uses on a site or in the neighborhood or area. There are two types of concealed facilities:

1. Antenna attachments, including painted antenna and feed lines to match the color of a building or structure, faux windows, dormers, or other architectural features that blend with an existing or proposed building or structure; and
2. A freestanding concealed tower which looks like something else that is common in the geographic region such as a church steeple, windmill, bell tower, clock tower, light standard, flagpole with a flag that is proportional in size to the height and girth of the tower, or tree that grows naturally or is commonly found in the area.

COW – “Cellular on Wheels”

A temporary PWSF placed on property to provide short term, high volume telecommunications services to a specific location and which can be easily removed from the property.

DAS – Distributed Antenna System

A system consisting of: (i) a number of remote communications nodes deployed throughout the desired coverage area, each including at least one antenna for transmission and reception; (ii) a high capacity signal transport medium (typically fiber optic cable) connecting each node to a central communications hub site; and (iii) radio transceivers located at the hub site (rather than at each individual node as is the case for small cells) to process or control the communications signals transmitted and received through the antennas.

DAS Hub

Ancillary equipment usually contained in a shelter or other enclosure which does not have any wireless transmission or receive equipment contained therein but is utilized in the deployment and operation of wireless DAS receive/transmit infrastructure that is located elsewhere.

Development Area

The area occupied by a Telecommunications Facility including areas inside or under an antenna-support structure’s framework, equipment cabinets, ancillary structures, and/or access ways.

Dual Purpose Facility

A new banner pole, light stanchion, support tower for overhead electric lines, or other similar utility structure onto which one or more antenna(s) are or can be mounted or attached, and which is built for the primary purpose of providing PWSF.

Eligible Facilities Request

Any request for modification of an existing tower or base station involving co-location of new transmission equipment, removal of transmission equipment, or replacement of transmission equipment that does not substantially change the physical dimensions of such tower or base station.

Eligible Facility

Existing wireless tower or base station that has been approved through a local government land use review process prescribed for the tower or base station.

Eligible Support Structure

Any tower or base station existing at the time the application is filed with the City.

Equipment Cabinet

Any structure used exclusively to contain equipment necessary for the transmission or reception of communication signals.

Equipment Compound

The fenced-in area surrounding, inside or under a ground-based wireless communication facility containing ancillary structures and equipment (such as cabinets, shelters, and pedestals) necessary to operate an antenna that is above the base flood elevation.

Equipment Shelter

A self-contained building housing ancillary electronic equipment typically including a generator.

Existing

A constructed tower or base station is “existing” for purposes of this section if it has been reviewed and approved under an applicable City land use review process. “Existing” also includes a tower that was lawfully constructed but not reviewed because it was not in a zoned area when it was built.

Feed Lines

Cables or fiber optic lines used as the interconnecting media between the base station and the antenna.

Flush-Mounted

Antenna or antenna array attached to the face of a support structure or building such that no portion of the antenna(s) extend(s) above the height of the support structure or building. The maximum flush-mounting distance, if prescribed, shall be measured from the outside edge of the support structure or building to the inside edge of the antenna.

Geographic Search Ring

An area designated by a wireless provider or operator for a new base station and/or tower produced in accordance with generally accepted principles of wireless engineering.

Handoff Candidate

A wireless communication facility that receives call transference from another wireless facility, usually located in an adjacent first “tier” surrounding the initial wireless facility.

Least Visually Obtrusive Profile

The design of a Telecommunications Facility presenting the minimum visual profile necessary for proper function.

Nonconcealed

A Telecommunications Facility that is readily identifiable as such (whether freestanding or attached).

OTARD

Over the air reception devices which are limited to either a “dish” antenna one meter (39.37 inches) or less in diameter designed to receive direct broadcast satellite service, including direct-to-home satellite service, or to receive or transmit fixed wireless signals via satellite, or an antenna that is one meter or less in diameter and is designed to receive video programming services via broadband radio service (wireless cable), or to receive or transmit fixed wireless signals other than via satellite or an antenna that is designed to receive local television broadcast signals.

Personal Wireless Service Facility (“PWSF”)

Any staffed or unstaffed location for the transmission and/or reception of radio frequency signals or other personal wireless communications, including commercial mobile services, unlicensed wireless services, wireless broadband services, and common carrier wireless exchange access services as defined in the Telecommunications Act of 1996, and usually consisting of an antenna or group of antennas, transmission cables, feed lines, equipment cabinets or shelters, and may include a tower. Facilities may include new or existing towers, replacement towers, co-location on existing towers, base station attached concealed and nonconcealed antenna, dual purpose facilities, concealed towers, and nonconcealed towers (monopoles, lattice and guyed), so long as those facilities are used in the provision of personal wireless services as that term is defined in the Telecommunications Act.

Qualified Co-Location Request

Co-location of PWSF on a tower or base station that creates a substantial change in the facility but is entitled to processing within 90 days under 47 U.S.C. §332(c)(7).

Radio Frequency Emissions

Any electromagnetic radiation or other communications signal emitted from an antenna or antenna-related equipment.

Radio Frequency Propagation Analysis

Computer modeling to show the level of signal saturation in a given geographical area.

Replacement

A modification of an existing tower to increase the height, or to improve its integrity, by replacing or removing one or several tower(s) located in proximity to a proposed new tower in order to encourage compliance with this section, or improve aesthetics or functionality of the overall wireless network.

Satellite Earth Station

A single or group of parabolic or dish antennas mounted to a support device that may be a pole or truss assembly attached to a foundation in the ground, or in some other configuration, including the associated separate equipment cabinets necessary for the transmission or reception of wireless communications signals with satellites.

Site

For towers other than towers in the rights-of-way, the boundaries of the leased or owned property on which the facilities are or are proposed to be situated.

Small Cell Facility

A wireless service facility that meets both of the following qualifications:

1. Each antenna is located inside an enclosure of no more than three cubic feet in volume or, in the case of an antenna that has exposed elements, the antenna and all of its exposed elements could fit within an enclosure of no more than three cubic feet; and
2. Primary equipment enclosures are no larger than 17 cubic feet in volume. The following associated equipment may be located outside of the primary equipment enclosure and, if so located, is not included in the calculation of equipment volume: electric meter, concealment, telecommunications demarcation box, ground-based enclosures, backup power systems, grounding equipment, power transfer switch, and cutoff switch.

Small Cell Network

A collection of interrelated small cell facilities designed to deliver wireless service.

Stanchion

A vertical support structure generally utilized to support exterior lighting elements.

Streamlined Processing

Expedited review process for co-locations required by the federal government (Congress and/or the FCC) for PWSF.

Substantial Change

A modification or co-location constitutes a “substantial change” of an eligible support structure if it meets any of the following criteria:

1. A PWSF co-location or modification of an existing antenna-supporting structure not in a right-of-way increases the overall height of the antenna-supporting structure, antenna

and/or antenna array more than 10 percent or 20 feet, whichever is greater. A PWSF co-location on an existing antenna-supporting structure within a right-of-way increases the overall height of the antenna-supporting structure, antenna and/or antenna array more than 10 percent or 10 feet, whichever is greater.

2. A PWSF co-location for towers not in a right-of-way protrudes from the antenna-supporting structure more than 20 feet or the width of the structure at the elevation of the co-location, and for towers within a right-of-way, protrudes from the antenna-supporting structure more than six feet.
3. A PWSF co-location on an existing antenna-supporting structure fails to meet current building code requirements (including windloading).
4. A PWSF co-location adds more than four additional equipment cabinets or one additional equipment shelter.
5. A PWSF co-location requires excavation outside of existing leased or owned parcel or existing easements.
6. A PWSF co-location defeats any existing concealment elements of the antenna-supporting structure.
7. A PWSF co-location fails to comply with all conditions associated with the prior approval of the antenna-supporting structure except for modification of parameters as permitted in this section.

Support Structure

Anything constructed or erected, the use of which requires permanent location on the ground, or attachment to something having a permanent location on the ground.

Telecommunications Facility(ies)

At a specific physical location, one or more antenna, tower, base station, mechanical and/or electronic equipment, conduit, cable, and associated structures, enclosures, assemblages, devices and supporting elements that generate or transmit nonionizing electromagnetic radiation or light operating to produce a signal used for communication, including but not limited to all types of communication facilities defined further herein.

Temporary PWSF

A temporary tower or other structure that provides interim short-term telecommunications needed to meet an immediate demand for service in the event of an emergency or a public event where a permanent wireless network is unavailable or insufficient to satisfy the temporary increase in demand or when permanent PWSF equipment is temporarily unavailable or off line.

Transmission Equipment

Equipment that facilitates transmission of communication service (whether commercial, private, broadcast, microwave, public, public safety, licensed or unlicensed, fixed, or wireless), such as radio transceivers, antennas, coaxial or fiber-optic cable, and regular and backup power supply.

Tower

Any support structure built for the primary purpose of supporting any antennas and associated facilities for commercial, private, broadcast, microwave, public, public safety, licensed or unlicensed, and/or fixed or wireless services. A tower may be concealed or nonconcealed.

Nonconcealed towers include:

1. **Guyed.** A style of tower consisting of a single truss assembly composed of sections with bracing incorporated. The sections are attached to each other, and the assembly is attached to a foundation and supported by a series of wires that are connected to anchors placed in the ground or on a building.
2. **Lattice.** A self-supporting tapered style of tower that consists of vertical and horizontal supports with multiple legs and cross bracing, and metal crossed strips or bars to support antennas.
3. **Monopole.** A style of freestanding tower consisting of a single shaft usually composed of two or more hollow sections that are in turn attached to a foundation. This type of tower is designed to support itself without the use of guy wires or other stabilization devices. These facilities are mounted to a foundation that rests on or in the ground or on a building's roof. All feed lines shall be installed within the shaft of the structure.

Tower Base

The foundation, usually concrete, on which the tower and other support equipment are situated. For measurement calculations, the tower base is that point on the foundation reached by dropping a perpendicular from the geometric center of the tower.

Tower Height

The vertical distance measured from the grade line to the highest point of the tower, including any antenna, lighting or other equipment affixed thereto.

Tower Site

The land area that contains, or will contain, a proposed tower, equipment compound, support structures and other related buildings and improvements.

Wireless Service Facility

A Telecommunications Facility for the provision of wireless services.

Temporary Use or Structure

Any use or structure placed on a parcel of land for a period of 120 days or less, unless otherwise permitted by GJMC 21.04.050(c)(5).

Three Frontage Lot

A lot that fronts on three public streets.

Traffic

As calculated by the Director, according to National or other Director approved objective standards, such as the Institute of Traffic Engineers publications. If an applicant provides proof that actual traffic will be different, the Director may vary from the approved standards.

Transfer Facility, Medical and Hazardous Waste

A facility at which solid or liquid medical and/or hazardous wastes are transferred from collection vehicles to another vehicle or container for transportation from one mode of transportation to another.

Transfer Facility, Solid Waste

A facility at which non-medical or hazardous refuse awaiting transportation to a disposal site is transferred from one type of collection vehicle to another. Refuse may be sorted and repackaged at a transfer station.

Transient

Housing or accommodations which are typically occupied by residents for periods of two weeks or less, including, but not limited to, hotels, motels and short term rentals.

Transmission Line

An electric line (115 KV and over) and appurtenant facilities; or pipelines/conveyors (10 inches diameter or larger) and appurtenant facilities for transporting natural resources, chemicals, petroleum derivatives, or waste substances.

Transportation (Use Category)

Uses in this category are primarily associated with bus, train, and aircraft facilities.

Transportation Depot

Land and buildings used as a relay station for the transfer of a load of freight from one vehicle to another or from one party to another. Long-term or accessory storage is not permitted in a transportation depot.

Travel Trailer

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

Tree

A woody perennial plant having a single, usually elongate main stem generally with few or no branches on its lower part.

Tree, Deciduous

Plants that drop their foliage annually before becoming dormant.

Tree Canopy Coverage

The area of ground directly beneath the leaves and branches of trees.

Truck Stop

A facility for the servicing, repair, and maintenance of motor vehicles, including the dispensing of motor fuels or other petroleum products directly into the vehicles. A truck stop may include a restaurant, overnight accommodations, showers, and other facilities intended to serve travelers.

Turf

Grasses planted to form a dense growth of leaf blades and roots, such as Kentucky Blue Grass and similar species used for planting lawns.

201 Planning Area

A regional plan for sewage collection and treatment to prevent pollution of the state's waters; the boundaries are defined by the official map, a copy of which is kept by the Director.

U

Underground Pressurized Irrigation System

A watering system for landscaped areas, consisting of underground pressurized pipes connected to sprinkler heads, bubbler heads, or drip systems such that 100 percent irrigation water coverage is provided.

Unoccupied

A dwelling in which no individual resides or a public, commercial, or industrial building, where no storage or use of equipment, merchandise, or machinery is kept for a period of time.

Urban Agriculture

The use of a parcel of land five acres or smaller in size for the cultivation of food and/or horticultural crops, composting, aquaponics, aquaculture and/or hydroponics. This use may include the production of food products from food grown on the premises and accessory keeping of animals in accordance with City regulations.

Urban Area

The definite boundary inside which the only development will occur by annexing to the City. See 1998 Persigo City/County Agreement.

Use

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

Use, Interim

The type of buildings and activities existing in an area, or on a specific site or parcel, for an interim period of time. Such interim use shall not hinder the ability to redevelop the site or parcel at the density or intensity envisioned by the Comprehensive Plan. The scope and duration of an interim use shall be determined by Special Dimensional Permit and approved by the City Council.

Utilities

Any agency that provides essential or basic services and related facilities such as electricity, gas, water (domestic and irrigation), sewage disposal, drainage systems, solid waste disposal, television, telecommunications, telephone, or railway.

Utility Facility, Basic

Utility facilities that are necessary to support legally established uses and involve utility structures such as water and sewage pump stations, electrical substations, telephone exchanges, poles or cables, switch boxes, transformer boxes, cap banks, and underground water and sewer lines.

Utility Facility, Major

A facility providing an important regional utility service, such as water, sewer, or drainage, that normally entails construction of new buildings or structures, and that typically has employees on the site on an ongoing basis. Examples include but are not limited to: water works, sewage treatment plants, reservoirs, regional storm water detention ponds, utility-scale solar (solar farms), and other similar facilities.

Utility Structures

Electric transformers, switch boxes, telephone pedestals and telephone boxes, cable television boxes, traffic control boxes, and similar devices.

Utility Uses (Use Category)

Uses in this category includes all lines, buildings, easements, passageways, or structures used or intended to be used by any public or private utility related to the provision, distribution, collection, transmission, or disposal of power, oil, gas, water, sanitary sewage, communication signals, or other similar services at a local or regional level.

V

Variance

A grant of relief from the requirements of this Code which permits construction in a manner that would otherwise be prohibited by this Code.

Vehicle Fleet Operations Center

A central facility for the dispatch, distribution, storage, staging, and loading of vehicles that are owned, leased, or operated for a common purpose, with or without associated offices. Typical uses include, but are not limited to, ambulance service, taxi dispatch, meals-on-wheels dispatch, staging areas for shared vehicle services, and other operations that require frequent arrival and departure of cars or vans such as courier, delivery, and express services, cleaning services, key and lock services, security services, and taxi services.

Vehicle Fuel Sales or Service Station

A facility limited to retail sales to the public of gasoline, biodiesel, electricity, ethanol fuel blends, hydrogen, natural gas, or other fuels for motor vehicles, as well as motor oil, lubricants, travel aides,

and minor automobile accessories. Accessory use may include a car wash and convenience food and beverage sales.

Vehicle Impound Lot

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

Vehicle Repair, Major

An establishment primarily engaged in the repair or maintenance of motor vehicles, trailers, and similar large mechanical equipment, including paint, upholstery, muffler, transmission work, tire recapping and major engine and engine part overhaul. Accessory uses include outdoor repair, storage, and staging areas.

Vehicle Repair, Minor

An establishment primarily engaged in the repair or maintenance of motor vehicles, trailers, and similar mechanical equipment, including brake, muffler, tire repair and change, lubrication, and tune ups, and vehicle bodywork or painting, provided it is conducted within a completely enclosed building.

Vehicle Sales, Rental, and Leasing, Heavy

An establishment that specializes in the sale, display, lease, rental, or storage of heavy equipment including, but not limited to, tractors, trucks with a gross vehicle weight of over 10,000 pounds, semi-trucks and/or trailers, boats, recreational vehicles, and other large equipment.

Vehicle Sales, Rental, and Leasing, Light

An establishment that specializes in the sale, display, lease, rental, of light motor vehicles, including automobiles, vans, light trucks, and light trailers.

Vehicle Wash

Any building or premises or portions of the building or premises used for washing motor vehicles, including the use of automatic or semiautomatic application of cleaner, brushes, rinse water, and heat for drying.

Vehicles and Equipment (Use Category)

Uses in this category include a broad range of uses for the maintenance, sale, or rental of motor vehicles and related equipment. Accessory uses may include incidental repair and storage and offices.

Vested Right

A right that cannot be changed or altered by changes in regulation.

W

Wall

1. The vertical exterior surface of a building;
2. Vertical interior surfaces that divide a building's space into rooms; or
3. A vertical architectural partition used to divide, separate, or enclose an outside area, a masonry fence (see definition of "fence").

Waste and Salvage (Use Category)

Uses in this category receive solid or liquid wastes from others for disposal on the site or for transfer to another location. The category includes uses that collect sanitary wastes, or uses that manufacture or produce goods or energy from the composting of organic material or processing of scrap or waste material. Waste and salvage uses also include uses that receive hazardous wastes from others. Accessory uses may include recycling of materials, offices, and repackaging and shipment of by-products.

Water Wise

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

Watercourse

Any natural or artificial stream, river, creek, ditch, channel, canal, conduit, culvert, drain, waterway, gully, ravine, or wash in which water flows in a definite direction or course, either continuously or intermittently, and has a definite channel, bed, and bank and includes any area adjacent thereto subject to inundation by reason of overflow or floodwater.

Wholesale or Warehouse

A facility that is used for the selling of merchandise to retailers; to industrial, commercial, institutional, or professional business users, or to other wholesalers; or acting as agents or brokers and buying merchandise for, selling merchandise to such individuals or companies, or the storage of merchandise, stock, vehicles, furnishings, supplies, and other trade or business material.

Working Day

A business day; those days the Public Works and Community Development Departments are open to the public for business. Federal holidays, Saturdays and Sundays are not working days.

X

Xeriscape or Xeriscaping

Landscape plantings that reduce the need for irrigation.

Y

Yard

An existing or required open space on a parcel with a principal structure. A yard shall be open, unoccupied, and unobstructed from the ground to the sky, except as otherwise provided in this Code.

Yard, Front

A yard extending across the full width and depth of the lot between a road right-of-way or access easement line and the nearest line or point of the building. (For flag lots, see Yard, side.)

Yard, Rear

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

Yard Setback

The minimum horizontal distance between any building and the property line.

Yard, Side

A yard extending from the front yard to the rear yard between the side lot line and the nearest line or point of the building. This side yard definition may apply for three sides of a flag lot if the flagpole portion of the lot exceeds the front yard setback.

Yard, Side Setback

The minimum horizontal distance between any building and the side property line.

Z

Zero Lot Line

The location of a building on a lot in such a manner that one or more of the building sides rests directly on a lot line.

Zone District

A mapped area with a particular set of rules and regulations which limits the types of uses. "Zone" is the same as "district."

Zoo

A facility, indoor or outdoor, where animals are kept for viewing by the public, and that may be accredited by the American Zoological Association.