

CITY OF GRAND JUNCTION, COLORADO

ORDINANCE NO. 4910

AN ORDINANCE AMENDING SECTION 26.32 OF THE ZONING AND DEVELOPMENT CODE,
AMENDING REGULATIONS REGARDING DEMOLITION OF STRUCTURES

Recitals:

The City Council desires to maintain effective zoning and development regulations that implement the vision and goals of the Comprehensive Plan and has directed that the Code be reviewed and amended as necessary.

The purpose of the North 7th Street Residential Historic District is to conserve valuable historic resources of the City of Grand Junction. Because demolition has the potential to destroy these historic resources, oversight of the demolition process for accessory structures in a historic district is appropriate.

The proposed amendments to Section 26.32 of the Zoning and Development Code simplify and streamline regulations for Certificates of Appropriateness for demolition of an accessory structure in the North Seventh Street Historic Residential District.

After public notice and public hearing as required by the Grand Junction Zoning and Development Code, the Grand Junction Planning Commission recommended approval of the proposed Code amendments.

After public notice and public hearing, the Grand Junction City Council finds that the proposed Code amendments are necessary to maintain effective regulations to implement Goal 6 of the Comprehensive Plan.

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

Section 26.32 is amended as follows (additions underlined, deletions struck through):

26.32.010 Applicability

Any Applicant requesting demolition of all or part of a principal structure within the North Seventh Street Historic Residential District shall demonstrate that the demolition is warranted either by cause or by effect of the structure being non-contributing to the District.

26.32.020 Review criteria.

Approval of a Certificate of Appropriateness for a demolition may be issued upon consideration of the following:

- (a) Whether the applicant has made a good-faith effort to pursue reasonable, cost effective alternatives to demolition.
- (b) Whether the loss of part or all of the subject property would be detrimental to the quality and continuity of the site, District or surrounding neighborhood.
- (c) Whether denial of the application would result in an undue economic hardship for the owner/applicant. Based on a thorough analysis of the financial, economic, and engineering information described below, the City Council may determine that there is an undue economic hardship if the following criteria are met:
 - (1) No economically viable use consistent with zoning of the property will exist unless the demolition is approved. (Note: inability to put the property to its most profitable use does not constitute an undue economic hardship.)
 - (2) The hardship is peculiar to the building or property in question and must not be in common with other properties.
 - (3) The hardship is not self-imposed, caused by action or inaction of the owner, applicant or some other agent.
 - (4) The Applicant has attempted and exhausted all reasonable alternatives which would eliminate the hardship, such as offering the property for sale.

(Ord. 4508, 3-21-12)

26.32.030 Submittal requirements.

~~The applicant/owner for demolition of part or all of a structure shall provide information including but not limited to the following items in order for the City Council to evaluate the application:~~

- ~~(a) An estimate of the cost of the proposed demolition or removal and an estimate of any additional cost that would be incurred to comply with recommendations of the Historic Preservation Board.~~
- ~~(b) A report from a licensed engineer or architect with experience in rehabilitation as to the structural soundness of the structure and its suitability for economic rehabilitation.~~
- ~~(c) Estimated current market value of the property by a licensed real estate appraiser of the property both in its current condition and after completion of the proposed demolition or~~

removal and all appraisals obtained within the previous two years by the applicant or owner in connection with the purchase, financing or ownership of the property.

(d) — An estimate of the cost of restoration prepared by an architect, developer, real estate consultant, appraiser or other real estate professional experienced in rehabilitation or reuse of like structures in the District.

(e) — Amount paid for the property, the date of purchase and the party from whom purchased, including a description of the relationship, if any, between the owner of record or applicant and the person from whom the property was purchased and any terms of financing between the seller and buyer.

(f) — If the property is income producing, the annual gross income from the property for the previous two years; and the depreciation deduction and annual cash flow before and after debt service, if any, during the same period.

(g) — Remaining balance on the mortgage or other financing secured by the property owner and annual debt service, if any, for the previous two years.

(h) — All appraisals obtained within the previous two years by the owner or applicant in connection with the purchase, financing or ownership of the property.

(i) — Any listing of the property for sale or rent, price asked and offers received, if any, within the previous two years.

(j) — Assessed value of the property according to the two most recent Mesa County assessments.

(k) — Real estate taxes for the previous two years.

(l) — Form of ownership or operation of the property, whether sole proprietorship, for profit or nonprofit corporation, limited partnership, joint venture, etc.

(m) — Current photographs of the building and land from the front street showing as much of the land and building as possible.

(n) — Current photographs of all exterior elevations from rooftop to ground.

(o) — Current photographs of all interior rooms.

(p) — A narrative summary of all special architectural features and details and materials used throughout the interior and exterior of the structure.

1. The Applicant for demolition of part or all of a structure shall provide information including

(a) A report from a licensed engineer, contractor or architect with experience in rehabilitation as to the structural soundness of the structure and its suitability for rehabilitation.

(b) A narrative description with supporting photographs of the structure including architectural features and details and materials used throughout the interior and exterior of the structure.

(c) Additional information identified by Staff or the Board to ensure sufficient evidence for reviewing the request.

2. In addition to those items listed in Section 26.32.030(1), an Applicant for demolition of part or all of a primary structure shall provide information including:

(a) An estimate of the cost of the proposed demolition or removal and an estimate of any additional cost that would be incurred to comply with recommendations of the Board.

(b) Estimated current market value of the property prepared by a Colorado licensed real estate appraiser, for the property in its current condition and after completion of the proposed demolition or removal.

(Ord. 4508, 3-21-12)

26.32.040 Procedure.

~~(a) Upon submittal of the application for a certificate of appropriateness for demolition to the City, the Public Works and Planning Department shall review all the documentation submitted for completeness. The Department staff shall prepare a report with findings. The Historic Preservation Board will then review the report and make a recommendation to City Council.~~

~~(b) The application, with the findings and recommendations of the Department and the Historic Preservation Board, shall be presented to the City Council in accordance with the administrative procedures and notice requirements. The City Council will have 90 calendar days to consider and render its decision. If approved, the Public Works and Planning Department shall issue a certificate of appropriateness in order for the applicant/owner to obtain a building permit for the demolition.~~

~~(c) If the City Council finds that all reasonable possibilities for saving a part or all of the structure have been exhausted and approves the demolition, all salvageable building materials shall be collected and then the waste should be removed as provided by the permit and asbestos or other hazardous material disposal procedures. The site shall then be planted and maintained until a new use goes into effect.~~

(a) Upon submittal of the application for a Certificate of Appropriateness for demolition to the City, the Community Development Department shall review all the documentation submitted for completeness. The Department staff shall prepare a report with findings, including

recommendation regarding historicity. All decisions on Certificate of Appropriateness shall be noticed and conducted as public hearings consistent with Section 21.02.080 (g) of the Code.

(b) For all accessory structures,

(i) the Historic Preservation Board will make a final decision regarding the Certificate of Alteration.

(ii) An appeal of the Board's decision shall be heard by City Council.

(c) For all primary structures,

(i) The Historic Preservation Board will provide a recommendation to City Council.

(ii) Within 90 days of the HPB hearing, the City Council shall consider and decide upon the certificate of alternation for demolition.

(d) If a certificate of alteration is approved for a historic structure, all salvageable building materials shall be collected and waste removed from the property.

(Ord. 4508, 3-21-12)

26.32.050 Penalty.

If the Applicant of a structure within the North Seventh Street Historic Residential District abates or demolishes part or all of a building without first obtaining the Certificate of Appropriateness, the Applicant shall pay a fine of \$250.00 per square foot of the affected area.

Introduced on first reading this 1st day of April, 2020, and ordered published in pamphlet form.

Adopted on second reading this 15th day of April, 2020 and ordered published in pamphlet form.

ATTEST:

W Winkelman

City Clerk

J. Mark Best

Mayor



I HEREBY CERTIFY THAT the foregoing Ordinance, being Ordinance No. 4910 was introduced by the City Council of the City of Grand Junction, Colorado at a regular meeting of said body held on the 15th day of April, 2020 and the same was published in The Daily Sentinel, a newspaper published and in general circulation in said City, in pamphlet form, at least ten days before its final passage.

I FURTHER CERTIFY THAT a Public Hearing was held on the 15th day of April, 2020, at which Ordinance No. 4910 was read, considered, adopted and ordered published in pamphlet form by the Grand Junction City Council.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of said City this 17th day of April 2020.


Deputy City Clerk

Published: April 3, 2020
Published: April 17, 2020
Effective: May 17, 2020