

CITY OF GRAND JUNCTION, COLORADO

ORDINANCE NO. 4927

**AN ORDINANCE TO AMEND TITLE 21 OF THE GRAND JUNCTION MUNICIPAL CODE TO MODIFY AND CLARIFY PLANNED DEVELOPMENT (PD) ZONE REGULATIONS**

Recitals:

The City Council desires to maintain effective zoning and development regulations that implement the vision and goals of the Comprehensive Plan while being flexible and responsive to the community's desires and market conditions and has directed that the Code be reviewed and amended as necessary.

Following adoption of the 2020 Comprehensive Plan, Staff will recommend that Title 21 be amended in its entirety to conform with and implement the vision, goals and policies of the new Plan. In the meantime, there are two elements of the PD regulations that the City Staff recommended the Planning Commission and City Council modify in order to alleviate clarity and applicability problems encountered by the development community in application submittals and the City staff in processing those applications. The amendments will: 1) define which elements of a planned development must conform with the City code and which can be established by the review and approval of a planned development and ; 2) establish how a development schedule/phasing for a planned development project is approved, modified after approved, and enforced and 3) clarify what occurs in the event of a lapse of a PD zone.

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 amendments.

After public notice and public hearing, the Grand Junction City Council finds that the amendments to the planned development zone standards and requirements implement the vision and goals of the Comprehensive Plan provided in this Ordinance are responsive to the community's desires, encourage orderly development of real property in the City and otherwise advance and protect the public health, safety and welfare of the City and its residents.

**NOW THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GRAND JUNCTION THAT THE FOLLOWING SECTIONS OF THE ZONING AND DEVELOPMENT CODE (TITLE 21 OF THE GRAND JUNCTION MUNICIPAL CODE) BE AMENDED AS FOLLOWS (new text underlined, deleted text strikethrough):**

**21.05.010 Purpose.** (in relevant part)

The planned development (PD) zone applies to mixed use or unique single-use projects where design flexibility is desired and is not available through application of the standards established in Chapter 21.03, Chapter 21.06 and Chapter 21.07 of the GJMC. Planned development zoning should be used when long-term community benefits will be derived and the vision, goals and policies of the Comprehensive Plan will be achieved. The Director shall determine

whether substantial community benefits can and will be derived. Specific benefits that the Director may find that would support a PD zoning include, but are not limited to: ...

#### **21.05.020 Default standards.**

The use, bulk/dimensional standards, lot size and development, improvement and other standards for each planned development shall be derived from the underlying zoning of the project property. Zone specific standards are defined in Chapter 21.03, GJMC.

In a planned development context, the standards derived from the underlying zoning shall be referred to as *default standards* or *default zone*. The Director shall determine whether the character of the proposed planned development is consistent with the *default zone* upon which the planned development is based. ~~Deviations from any of the default standards may be approved only as provided in this chapter and shall be explicitly stated in the zoning/rezoning ordinance.~~ Project specific development standards, including those that may deviate from the default zone, may be approved only as provided in this chapter and if approved shall be explicitly stated in the zoning/rezoning ordinance approving the proposed planned development project. Each standard of the default zone shall apply unless project specific standards are established by the PD zoning ordinance. ~~The planned development ordinance shall contain a provision that if the planned development approval expires or becomes invalid for any reason, the property shall be fully subject to the default standards.~~

#### **Section 21.02.150:**

##### **21.02.150 Planned development (PD).**

(a) Purpose. The purpose is as provided in Section 21.05.010 of the Code.

(1) Applicability. An outline development plan is required for any PD. The purpose of an ODP is to demonstrate conformance with the Comprehensive Plan, and coordination of improvements within and among individually platted parcels, sections or phases of a development prior to the approval of a final plat. At ODP, zoning for the entire property or for each "pod" designated for development on the plan is established.

Through this process, the general pattern of development is established with a range of densities, an appropriate set of standards for the entire property or for each development pod/area to be developed, and an appropriate phasing or development schedule for the entire property or for each development pod/area to be developed will be assigned to individual "pods" which will be the subject of future, more detailed planning.

(iii) Validity. The effective period of the ODP/phasing schedule shall be determined concurrent with ODP approval. The ODP/phasing schedule shall not be subject to any other validity section(s) of the Code.

#### **Section 21.02.150.**

**(f) Lapse of Plan and Rezone.**

(i)      If a planned development, or any portion thereof, has not been completed in accordance with the approved development schedule, a "lapse" shall be deemed to have occurred and the terms of all approved plans for incomplete portions of the PD shall be null and void.

(ii)      If lapse occurs, then either (a) or (b) shall occur:

(a) Within 30 days of the lapse, the property owner may initiate a rezone by filing an application for rezone pursuant to §21.02.140. Should an application not be received within 30 days of the lapse, the Director shall provide written notice to the property owner of the intent to rezone the property. Mailed notice shall be sent to the address included in the development application and to the property owner available in the County Assessor's record. The Director shall initiate the rezone without consent of the property owner if the property owner fails to submit an application for rezone within 45 days of mailed notice.

(b) Within 30 days of lapse, the property owner shall submit an application for an Outline Development Plan for the property pursuant to §21.01.150(b).

~~shall be governed by the zoning district applied to the property immediately before the rezoning to PD, or an applicant may request hearing before the Planning Commission at which time a revocation of all prior approvals shall be considered. If the Planning Commission determines that a lapse has occurred, the Director shall record an appropriate legal notice. The Director may initiate, without owner consent, a zoning change on a lapsed PD to another zone district.~~

Introduced on first reading this 6<sup>th</sup> day of May 2020 and ordered published in pamphlet form.

Adopted on second reading this 20<sup>th</sup> day of May 2020 and ordered published in pamphlet form.

ATTEST:

W Winkelmann

City Clerk

C. S. Pogue

Mayor



I HEREBY CERTIFY THAT the foregoing Ordinance, being Ordinance No. 4927 was introduced by the City Council of the City of Grand Junction, Colorado at a regular meeting of said body held on the 6<sup>th</sup> day of May 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 20<sup>th</sup> day of May 2020, at which Ordinance No. 4927 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 22<sup>nd</sup> day of May 2020.

  
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Deputy City Clerk

Published: May 8, 2020  
Published: May 22, 2020  
Effective: June 21, 2020