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**PLANNING COMMISSION WORKSHOP AGENDA**  
**VIRTUAL MEETING**

**THURSDAY, APRIL 8, 2021 @ 12:00 PM**

View the meeting live or later at [www.gjspeaks.org](http://www.gjspeaks.org).  
Join the meeting [here](#).

**Call to Order - 12:00 PM**

**Other Business**

1. Discussion regarding potential Code text amendments pertaining to Criteria for Comprehensive Plan Amendments
2. Discussion regarding potential Code text amendments pertaining to Manufactured Housing Parks
3. Discussion regarding potential Code text amendments pertaining to Secondary Accessory Dwelling Units
4. Discussion regarding potential code amendments pertaining to Neighborhood Meetings

**Adjournment**



## Grand Junction Planning Commission

### Workshop Session

Item #1.

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**Meeting Date:** April 8, 2021

**Presented By:** David Thornton, Principal Planner

**Department:** Community Development

**Submitted By:** David Thornton, Principal Planner

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### **Information**

#### **SUBJECT:**

Discussion regarding potential Code text amendments pertaining to Criteria for Comprehensive Plan Amendments

#### **RECOMMENDATION:**

#### **EXECUTIVE SUMMARY:**

A brief discussion regarding comprehensive plan amendment criteria as well as other clerical changes to the code based on the recent adoption of the 2020 Comprehensive Plan.

#### **BACKGROUND OR DETAILED INFORMATION:**

#### **SUGGESTED MOTION:**

Discussion Only.

### **Attachments**

1. plan amendments v3

(b) **Applicability.** All proposed amendments to plans within the text of the Volume III: Comprehensive Plan shall comply with the provisions of this section.

~~Any proposed development that is inconsistent with any goals or policies of the Comprehensive Plan shall first receive approval of a Comprehensive Plan amendment. 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.~~

(c) **Criteria for Plan Amendments.**

(1) The City may amend the Comprehensive Plan, when: ~~neighborhood plans, corridor plans and area plans if the proposed change is consistent with the vision (intent), goals and policies of the Comprehensive Plan and:~~

(i) The existing Comprehensive Plan and/or any related element thereof requires the proposed amendment; and

(ii) The community or area will derive benefits from the proposed amendment; and/or

(iii) It will be consistent with the vision and goals, principles, and strategies of the Comprehensive Plan.

~~(i) Subsequent events have invalidated the original premises and findings; and/or~~

~~(ii) The character and/or conditions of the area has changed such that the amendment is consistent with the Plan; and/or~~

~~(iii) Public and community facilities are adequate to serve the type and scope of land use proposed; and/or~~

~~(iv) An inadequate supply of suitably designated land is available in the community, as defined by the presiding body, to accommodate the proposed land use; and/or~~

~~(v) The community or area, as defined by the presiding body, will derive benefits from the proposed amendment.~~

(2) The City may ~~and County shall~~ amend other plans within Volume III such as neighborhood plans, corridor plans and area plans when: ~~if the proposed change is consistent with the vision, goals and strategies of the Comprehensive Plan. the Grand Junction Circulation Plan if:~~

(i) An existing Plan and/or any related element thereof requires the proposed amendment; and

(ii) The community or area will derive benefits from the proposed amendment; and

(iii) It will be consistent with the vision and goals of the Comprehensive Plan.

~~(i) There was an error such that then-existing facts, projects, or trends that were reasonably foreseeable were not accounted for; or~~

~~(ii) Subsequent events have invalidated the original premises and findings;~~

~~(iii) The character and/or condition of the area have changed enough that the amendment is acceptable;~~

~~(iv) The community or area, as defined by the presiding body, will derive benefits from the proposed amendment;~~

~~(v) The change will facilitate safe and efficient access for all modes of transportation; and~~

~~(vi) The change furthers the goals for circulation and interconnectivity.~~

**(d) Decision Makers: Administrative Changes**

(1) The Director has the authority to make ~~administrative~~ amendments to the plan including:

(i) Minor additions or clarifications; and

(ii) Errors, corrections or grammar;

~~(2) All other amendments will be made~~ All other amendments to plans within Volume III will be considered by City Council after recommendations are received from the Planning Commission, City staff, and any Boards, Committees, and Commissions that may have a legitimate interest in the proposed amendments, provided that such Board, Committee, or Commission is duly authorized by the Grand Junction Municipal Code to function in such a capacity. Such amendments may include, but are not limited to the following:

(a) Revisions to section(s) of a plan to address a specific issue, policy or directive.

(b) Revisions to section(s) of a plan as a result of the adoption of a new plan or subarea plan.

(c) Changes to maps, such as the Land Use Map, Tiered Growth Map, or changes to the Commercial, Mixed Use and Industrial Area-Specific Strategies Maps.

~~(iii) — Make land use designation changes for property that has multiple land use designations and is consistent with project approvals;~~

~~(iv) — Approve flexibility in the location of the Village and Neighborhood Center by granting a one-half mile leeway; and~~

~~(v) — Allow the processing of a rezone application or request without a plan amendment when the proposed zoning is inconsistent with the Comprehensive Plan and the property is adjacent to the land use designation that would support the requested zone district.~~

~~(e) — **Decision-Maker: Plan Amendments.**~~

~~(1) — Inside of Persigo 201 Boundary. Concerning property within the Persigo 201 Boundary, which will be annexed if not already within the City limits, the Director and Planning Commission shall recommend and the City Council's action is the City's final action. City Council shall hold a public hearing prior to any decision regarding a Comprehensive Plan amendment within the Persigo 201 Boundary.~~

~~(2) — Failure of Amendment. If an amendment request fails, any pending development application must be changed to be consistent with the plan.~~



## Grand Junction Planning Commission

### Workshop Session

Item #2.

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**Meeting Date:** April 8, 2021

**Presented By:** Lance Gloss, Senior Planner

**Department:** Community Development

**Submitted By:**

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#### **Information**

#### **SUBJECT:**

Discussion regarding potential Code text amendments pertaining to Manufactured Housing Parks

#### **RECOMMENDATION:**

#### **EXECUTIVE SUMMARY:**

Manufactured Housing Parks are identified as a conditionally-allowed use in several residential zone districts. Community Development staff presents concepts to Planning Commission that would expand the allowability of manufactured housing parks to other zone districts and remove the requirement for Conditional Use Permits in some contexts.

#### **BACKGROUND OR DETAILED INFORMATION:**

#### **SUGGESTED MOTION:**

#### **Attachments**

1. Mobile Home Parks Code Amendments v3

## Manufactured Housing Parks

At a recent workshop, members of the Planning Commission inquired about the reasoning behind existing zoning standards for Manufactured Housing Parks. The Use Table currently lists Manufactured Housing Parks as requiring a Conditional Use Permit in the R-5 (Residential 5 units per acre), R-8 (Residential 8 units per acre) and R-12 (Residential 12 units per acre) zone districts. See excerpt of table below. A Code Amendment currently to be considered by City Council on April 21, 2021 would change a Manufactured Housing Park to an allowed use in the R-5, R-8 and R-12 zone districts as shown below. Staff therefore provides the following analysis of other changes to the regulation of Manufactured Housing Parks that may improve the viability of new Manufactured Housing Parks developments in the future and adapt to a changing residential development industry. These changes include zoning, use-specific standards, and definitions.

### Zoning

As regards zoning, Manufactured Housing Parks are currently allowed only in R-5, R-8, and R-12 zones with a Conditional Use Permit (anticipated to soon be allowed as-of-right). This makes sense in that the typical Manufactured Housing Park approximates the density/intensity of a typical residential use that is contemplated by the R-5, R-8 and R-12 zone district. However, Planning Commission suggested that perhaps there are other zone districts that might be considered for potential development of this important affordable housing type. Upon analysis of other residential zoning districts and their applicability per the table below, staff found that the R-12 zone district could also allow residential development in the density range of a typical Manufactured Housing Park (8 dwelling units per acre). The highest density zone districts of R-16 and R-24 have a minimum of 12 units per acre which is not likely to be achieved with manufactured housing park development.

Comment [TA1]: What if "tiny homes"

### GJMC 21.04.010 Use Table

Residential District Summary Table

	RR	R-E	R-1	R-2	R-4	R-5	R-8	R-12	R-16	R-24
<b>Lot</b>										
Area (min. ft. unless otherwise specified)	5 acres	1 acre	30,000	15,000	7,000	4,000	3,000	n/a	n/a	n/a
Width (min. ft.)	150	100	100	100	70	40	40	30	30	30
Frontage (min. ft.)	50	50	50	50	20	20	20	20	20	20
Frontage on cul-de-sac (min. ft.)	30	30	30	30	n/a	n/a	n/a	n/a	n/a	n/a
<b>Setback</b>										

**Residential District Summary Table**

	<b>RR</b>	<b>R-E</b>	<b>R-1</b>	<b>R-2</b>	<b>R-4</b>	<b>R-5</b>	<b>R-8</b>	<b>R-12</b>	<b>R-16</b>	<b>R-24</b>
Principal structure										
Front (min. ft.)	20	20	20	20	20	20	20*	20*	20*	20*
Side (min. ft.)	50	15	15	15	7	5	5	5	5	5
Rear (min. ft.)	50	30	30	30	25	15	10	10	10	10
Accessory structure										
Front (min. ft.)	25	25	25	25	25	25	25	25	25	25
Side (min. ft.)	50	5	3	3	3	3	3	3	3	3
Rear (min. ft.)	50	10	10	5	5	5	5	5	5	5
<b>Bulk</b>										
Lot coverage (max.)	5%	15%	20%	30%	50%	60%	70%	75%	75%	80%
Height (max. ft.)	35	35	35	35	40	40	40	60	60	72
Density (min. units per acre)	n/a	n/a	n/a	n/a	2	3	5.5	8	12	16
Density (max. units per acre)	1 unit / 5 acres	1	1	2	4	5.5	8	12	16	n/a
Cluster allowed	Yes	Yes	Yes	Yes	Yes	Yes	No	No	No	No

Similarly, staff analyzed the residential densities allowed within the Mixed Use and Industrial zone districts (see next table) and determined there could be potential to develop Manufactured Housing Park development in the C-1, M-U and BP zone districts. Other zone districts, such as R-4, R-16, and C-1 zones (allowing 12 – 24 dwelling units per acre), might also accommodate Manufactured Housing Park development, but are less clearly aligned with anticipated densities. Staff welcomes discussion by the Planning Commission on that question.

In the R-O, B-1 and B-2 zone districts, due to the location of most of the land zoned these districts being in the more compact downtown area, it may be difficult to develop Manufactured Housing Parks. The purposes and other uses of these zones are not well-aligned with the development of Manufactured Housing Parks in staff’s analysis, but densities in these zone districts are such that evidence to support this kind of development in those zones could be entertained. Similarly, the BP zone district could accommodate Manufactured Housing Park development in terms of density if enough land is available but, due to its likely proximity to non-residential uses, but the use does not align well with the purpose of the zone district. The M-U district can also accommodate residential densities conducive to development of Manufactured Housing Parks and could be an allowed use since M-U already contemplates multiple uses on a site such as a mix of residential and non-residential uses.



Mixed Use and Industrial Bulk Standards Summary Table

	R-O	B-1	B-2	C-1	C-2	CSR	M-U	BP	I-O	I-1	I-2
<b>Lot</b>											
Area (min. ft. unless otherwise specified)	5,000	10,000	n/a	20,000	20,000	1 ac	1 ac	1 ac	1 ac	1 ac	1 ac
Width	50	50	n/a	50	50	100	100	100	100	100	100
Frontage	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
<b>Setback</b>											
Principal structure											
Front (min. ft.)	20	15	0	15	15	15	15	15	15	15	15
Side (min. ft.)	5	0	0	0	0	0	0	0	0	0	0
Side – abutting residential (min. ft.)	n/a	10	n/a	10	10	10	10	10	10	10	n/a
Rear (min. ft.)	10	15	0	10	10	10	10	10	10	10	10
Accessory structure											
Front (min. ft.)	25	25	25	25	25	25	25	25	25	25	25
Side (min. ft.)	3	0	0	0	0	0	0	0	0	0	0
Side – abutting residential (min. ft.)	n/a	5	n/a	5	5	5	5	5	5	5	n/a
Rear (min. ft.)	5	15	0	10	10	10	10	10	10	10	10
<b>Other Dimensional Requirements</b>											
Lot coverage (max.)	70%	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
Height (max. ft.)	40	40	80	65	65	65	65	65	65	50	50
Density (min. units per acre)	4	8	8	12	n/a	n/a	8	8	n/a	n/a	n/a
Density (max. units per acre)	n/a	16	n/a	24	n/a	n/a	24	24	n/a	n/a	n/a
Building size (max. sf)	10,000	15,000	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a

The following table summarizes progress toward a possible amendment consistent with the above description.

Key: A = Allowed; C = Conditional; Blank Cell = Not Permitted

USE CATEGORY	PRINCIPAL USE	R-R	R-E	R-1	R-2	R-4	R-5	R-8	R-12	R-16	R-24	R-O	B-1	B-2	C-1	C-2	CSR	M-U	BP	I-O	I-1	I-2
Household Living – residential occupancy of a dwelling unit by a “household”	Business Residence											A	A	A	A	A	A	A	A	A	A	A
	Two Family Dwelling				A	A	A	A	A			A	C									
	Single-Family Detached	A	A	A	A	A	A	A				A	C	C			A					
	Multifamily						A	A	A	A	A	A	A	A	A			A	A			
	Accessory Dwelling Unit	A	A	A	A	A	A	A	A			A		A								
	Agricultural Labor Housing	A															A					
	Manufactured Housing Park					?	A	A	A	?					A						A	

USE CATEGORY	PRINCIPAL USE	R-R	R-E	R-1	R-2	R-4	R-5	R-8	R-12	R-16	R-24	R-O	B-1	B-2	C-1	C-2	CSR	M-U	BP	I-O	I-1	I-2
	All Other Household Living																					

*Use-Specific Standards*

Further, if the aim is to improve the regulatory environment for Manufactured Housing Parks, changes to zoning are likely insufficient. In particular, the Use-Specific Standards for Manufactured Housing Parks (GJMC 21.04.030(f)(2)) are relatively detailed in ways that limit density for this use above and beyond the limitations of zone districts. For example, the use-specific standards provides that this land use shall have a maximum density of eight manufactured homes per acre and a minimum density of four units per acre. For the above-listed changes to be relevant and impactful, it would be necessary to remove or amend this stipulation. It is also highly unusual to have a density requirement assigned to a use rather than to a zone district. Staff believes this is unnecessarily restrictive.

Similarly, the use specific standards require separations between residential units varying between 15 feet to 25 feet as detailed in the Code section below; these requirements exceed the comparable setbacks between single-family residences and/or multifamily residences (i.e. between any residential structure) in all zone districts in which Manufactured Housing Parks are allowed. That is, setbacks are highest for Manufacture Housing Parks in all contexts. This provides a natural limitation on density that makes it difficult to develop Manufactured Housing Parks in even the R-8 zone, much less the R-12 zone. These, too, may be considered for change (see the Code section below).

**GJMC 21.04.030(f)**

(1) Purpose. To provide for low cost housing developments that include adequate amenities and are designed to provide a stable, long-term asset for the community.

(2) Standards. **Manufactured housing parks shall have a maximum density of eight manufactured homes per acre and a minimum density of four units per acre.** The following standards shall also apply:

(i) All manufactured home spaces shall abut on a hard-surfaced roadway of not less than 24 feet in width which shall be adequately lighted and drained and which shall have unobstructed access to a paved public street or highway;

**(ii) No manufactured home or structure shall be closer than 25 feet to any property line of the manufactured home park nor closer than 20 feet to another manufactured home or any building in the park, except where manufactured homes are parked end to end, the end clearance shall be at least 15 feet;**

(iii) No additions shall be built onto any manufactured home other than a porch or entryway, which shall be not less than 15 feet from the nearest manufactured home and its additions;

(iv) All buildings and manufactured homes within the park shall be served with centralized water supply and sewage disposal systems approved by the City;

(v) Two off-street parking spaces shall be provided for each manufactured home site and one space for every 50 square feet of floor area in administration and service buildings;

(vi) All manufactured homes shall be skirted and anchored in a manner approved by the Director;

(vii) All parking and driveway areas shall be paved;

(viii) Mobile homes, recreational vehicles or travel trailers may not be used as residences within a manufactured home park;

(ix) Each space shall be numbered in a conspicuous location and a space map posted at the entrance to the park;

(x) In evaluating the proposed development, the City shall evaluate, in addition to other considerations, the following:

(A) The effect of the proposed manufactured home park on adjacent property values;

(B) The consistence and compliance of the proposed manufactured home park with the provisions of applicable County and State regulations;

(C) The suitability of the site for the proposed use with special attention to topography, subsurface conditions and the availability of necessary utility service;

(D) The relation of the population density resulting from the proposed manufactured home park to the public interest;

(E) The use of sound planning and engineering practices;

(F) The availability of access from existing highways and the nature of the altered traffic pattern resulting from the manufactured home park; and

(G) The availability of schools, police protection, fire protection and other public services;

(xi) In the event of approval, the City shall specify appropriate conditions and safeguards to protect the character of existing and future development of adjoining properties as well as the manufactured home park; and

(xii) Existing manufactured home parks shall comply with the above standards to the greatest extent possible, except that:

(A) Existing mobile homes may continue to be used and replaced 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 herein; and

(C) Paving of existing driveways only shall be required if the park is expanded or the number of spaces increased.

### *Definitions*

Finally, it may be appropriate to reconsider the definitions related to Manufactured Housing Parks in the Code. Specifically, Manufactured Housing Parks are not technically related (by definition or in practice) with the actual housing product of a manufactured home. Manufactured homes may be single-family residences, and site built products could be accommodated in a Manufactured Housing Park as defined. As the concept of “Tiny Homes” matures and proliferates, it is likely that Manufactured Housing Parks would be the natural ownership pattern (i.e., lease areas on a common lot) for a Tiny Home development. Tiny Homes may currently be prohibited by the use-specific standards for Manufactured Housing Parks because they are typically mobile and/or wheeled, either temporarily or permanently. Moreover, the definition (see below) of a Manufactured Housing Park is currently incongruent, as it refers to “Homes” rather than to “Houses.” This will also require consultation of HUD, IBC, and IFC definitions for manufactured housing.

### **21.10.020 [excerpted]**

*Manufactured home* means 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 (U.S. Department of Housing and Urban Development) Code.

*Manufactured home park* means a parcel of land used for the continuous accommodation of five or more occupied manufactured homes and operated for the pecuniary benefit of the owner of the parcel of land, his agents, lessees, or assignees. A manufactured home park does not include manufactured home subdivisions or property zoned for manufactured home subdivisions.

*Manufactured home subdivision* means a parcel or contiguous parcels of land subdivided into two or more lots configured for development of manufactured housing.

*Manufactured housing* means a manufactured structure designed for residential occupancy that conforms to all applicable federal construction and safety standards certifications (42 U.S.C. Section 5401 et seq.). Construction and safety certification shall be affixed in the original and permanent condition and shall not be removed.



## Grand Junction Planning Commission

### Workshop Session

Item #3.

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**Meeting Date:** April 8, 2021

**Presented By:** Lance Gloss, Senior Planner

**Department:** Community Development

**Submitted By:**

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### **Information**

#### **SUBJECT:**

Discussion regarding potential Code text amendments pertaining to Secondary Accessory Dwelling Units

#### **RECOMMENDATION:**

#### **EXECUTIVE SUMMARY:**

The City of Grand Junction began permitting Accessory Dwelling Units in 2012. Since that time, more than 130 ADUs have been permitted in the City. City Community Development staff present to Planning Commission the concept of a Secondary Accessory Dwelling Unit, to be permitted in certain residential zone districts, to allow for the establishment of up to two accessory dwellings on a single family lot without counting toward the zoned density of a given property. This has been introduced in other communities as a means of increasing the stock of attainable housing.

#### **BACKGROUND OR DETAILED INFORMATION:**

#### **SUGGESTED MOTION:**

### **Attachments**

1. Secondary ADU Code Amendments v2



## **Secondary Accessory Dwelling Units**

### **Why consider SADUs?**

A Secondary Accessory Dwelling Unit might be considered for the same reason that ADU regulations were adopted in 2012. Grand Junction, like many Colorado municipalities, is in need of additional housing options that are attainable to people of varying incomes, ages, and abilities. This was a primary reason cited in the decision to allow for a first ADU on any single family residential property in the City. Another reason to consider ADUs—and, likewise, to consider SADUs—is the added street-life, commercial potential, and transit potential that density provides. Denser neighborhoods can be livelier in these ways, and for many residents, that is likely to be a desirable outcome. Moreover, Community Development staff continue to encounter scenarios in which SADUs already exist, but are unpermitted. An SADU regulation could provide for retroactive permitting of those units if they meet the standards of the regulation.

### **Do SADUs exist in other communities?**

Over the last decade, many US communities have adopted their first ADU regulations to allow for just one accessory dwelling unit on a given lot. A relatively small number have introduced opportunities for more than one ADU on a property. Examples include Seattle, WA and Portland, OR.

Seattle's SADU program includes stipulations for additional green building requirements, above and beyond the Building Code's baseline requirements, and/or must be restricted affordable housing. In Seattle, no more than one of the two ADUs can be detached from the principal structure (i.e. must be two attached, or one attached and one detached). During the multi-year public process that Seattle undertook to introduce the SADU (while simultaneously updating its broad ADU regulations), Seattle undertook environmental and economic impact assessments.

Seattle's economic assessment asked whether the regulation would harmfully transform the development economics of single-family real estate, particularly whether it would lead to a reduction in the number of owner-occupied properties. The study concluded, among other things, that while the regulation was likely to increase the profitability of renting, but that owner-occupied housing would remain the more profitable development scenario in single-family residential zones. After adopting the legislation in late 2019, 2020 ADU permits were very nearly double the number of ADU permits issued in 2019.

Portland's regulation allowing for a Secondary ADU preceded Seattle's regulation, and its details emphasize the form of development and the subordination of ADUs and SADUs to principal dwellings. For example, all detached ADUs are subject to a 40-foot front setback, or must be placed behind the principal structure, and an 800 sf maximum size is enforced. Portland also specifically provides for the legalization of unpermitted ADUs through their permitting process, allowing for retroactive approval of conforming but unpermitted dwellings in many cases.



### **What problems or challenges could be associated with ADUs?**

ADUs are sometimes critiqued for overburdening the infrastructure of a neighborhood. Parking is a primary concern in this regard, especially in areas where existing residents and businesses already rely on on-street parking, or where lots are too small to accommodate more parked vehicles. If ADU construction substantially increases utility burdens or impervious surfaces (as would impact stormwater drainage), this could also be cause for concern.

Another critique raised about ADUs is their potential impact on neighborhood character. A neighborhood that is primarily comprised of single family residences may be affected by the increased number of residents coming, going, and residing when ADUs are introduced. Where neighborhood character is related to historic or unified architecture, but where other mechanisms do not exist to perpetuate those forms, new construction of any kind—including ADUs—can be seen as negatively impacting the neighborhood character.

### **How can an SADU regulation be shaped to achieve specific goals and avert substantial drawbacks?**

If the primary goal of an SADU option would be to increase the variety and attainability of housing options, and if the primary challenges are related to overburdened infrastructure and changing neighborhood character, several options exist to maximize benefits and minimize drawbacks. One way to manage these issues on a case-by-case basis would be to require a Conditional Use Permit for an SADU. While this would add administrative burden and lengthen project timelines, it would provide for the detailed evaluation of each circumstance.

Another option would be to establish a zoning overlay. Within such an overlay, which might encompass core areas of the community, such as in the vicinity of Colorado Mesa University, SADUs could be allowed, while SADUs could be disallowed outside of that overlay district. The exact parameters of that overlay could be developed through public participation and analysis of infrastructure conditions.

### **What other details might be considered for inclusion in the use-specific standards for an SADU?**

- Many communities regulate the number and design of street-facing entrances. Should multiple dwellings be permitted to have entrances onto the main street frontage?
- Should an additional minimum lot size regulation be considered as a component of determining which lots should be allowed to have an SADU?
- Should off-street parking be required for an SADU? How might this decision impact on street parking vis-à-vis site landscaping.
- Is there a compelling reason to require that at least one ADU be attached? What if the SADU is attached to the ADU, rather than to the principal Structure?
- Similarly, is there a need to add definitions for “attached accessory dwelling unit” and “detached accessory dwelling unit?”
- How might Fire Code requirements to sprinkle buildings with three dwelling units impact regulations for attached ADUs?
- Is there a reason to regulate the maximum size of an SADU? If so, should it be the same as for an ADU (900 sf)? Smaller?
- Are some of these questions neighborhood-specific? How might a zoning overlay accomplish goals while minimizing negative impacts, relative to a CUP?

**Example Amendment**

Below are an example of a possible Code amendment that captures one possible approach to the issues and opportunities described above.

		R-R	R-E	R-1	R-2	R-4	R-5	R-8	R-12	R-16	R-24	R-O	B-1	B-2	C-1	C-2	CSR	M-U	BP	I-O	I-2	I-2	MX-			
<b>Household Living – residential occupancy of a dwelling unit by a “household”</b>	Business Residence											A	A	A	A	A	A	A	A	A	A			<a href="#">21.04.030(i)</a>		
	Two Family Dwelling				A	A	A	A	A			A	C													
	Single-Family Detached	A	A	A	A	A	A	A				A	C	C			A								<a href="#">21.04.030(m)</a>	
	Multifamily						A	A	A	A	A	A	A	A	A			A	A						<a href="#">21.04.030(n)</a>	
	Accessory Dwelling Unit	A	A	A	A	A	A	A	A			A		A											<a href="#">21.04.040(f)</a>	
	<b>Secondary Accessory Dwelling Unit</b>						C	C	C			C		C											See GJMC <a href="#">21.03.090</a>	
	Agricultural Labor Housing	A																A								
	Manufactured Housing Park						C	C	C																	<a href="#">21.04.030(f)</a>
	All Other Household Living						A	A	A																	

(f) **Accessory Dwelling Unit.** An accessory dwelling unit (ADU) is allowed only in conjunction with a single-family use and only on a lot of 3,000 square feet or more. The ADU is not included in the density calculation. The ADU must comply with the following:

- (1) No more than one ADU is allowed in conjunction with a single-family use.
- (2) The design and location of the ADU shall be clearly subordinate to the principal structure.
- (3) The ADU must meet all requirements of the building and fire codes.

- (4) One additional off-street parking space shall be provided for the ADU.
- (5) The ADU shall share utility meters with the principal structure, except where the utility provider requires separate meters for an accessory dwelling unit.
- (6) The ADU shall not be more than 900 square feet.
- (7) The ADU shall be integrated into the site by appropriate site grading, earthwork and landscaping and be harmonious with the character of the neighborhood.
- (8) The outside appearance of the principal structure shall not be changed from that of a single-family residence.
- (9) Private entrances to the ADU shall be located on the side or rear of the residence and shall not be located on the same side as the primary residence's entrance.
- (10) The ADU shall not be located in front of the principal structure.
- (11) The design and construction material of the ADU shall be complementary to those of the principal structure.

A planning clearance is required to establish an accessory dwelling unit; to obtain a planning clearance, the applicant must demonstrate that the unit will meet all the foregoing standards, limitations and requirements.

**(g) Secondary Accessory Dwelling Unit.** A secondary accessory dwelling unit (SADU) is allowed only in conjunction with both a single-family use and an accessory dwelling unit use and only on a lot of 3,000 square feet or more. The SADU is not included in the density calculation. The SADU must comply with the following:

- (1) No more than one SADU may be permitted in conjunction with both a single-family use and an accessory dwelling unit use.
- (2) The design and location of the SADU shall be clearly subordinate to the principal structure.
- (3) The SADU must meet all requirements of the building and fire codes.
- (4) One additional off-street parking space shall be provided for the SADU.

(5) The SADU shall share utility meters with the principal structure, except where the utility provider requires separate meters for an accessory dwelling unit.

(6) The SADU shall not be more than 600 square feet.

(7) The SADU shall be integrated into the site by appropriate site grading, earthwork and landscaping and be harmonious with the character of the neighborhood.

(8) The outside appearance of the principal structure shall not be changed from that of a single-family residence.

(9) Private entrances to the SADU shall be located on the side or rear of the residence and shall not be located on the same side as the primary residence's entrance.

(10) The SADU shall not be located in front of the principal structure.

(11) The design and construction material of the SADU shall be complementary to those of the principal structure and ADU.

(12) If the ADU is detached, then the SADU must be attached to the principal dwelling.

A planning clearance is required to establish a secondary accessory dwelling unit; to obtain a planning clearance, the applicant must demonstrate that the unit will meet all the foregoing standards, limitations and requirements.



## Grand Junction Planning Commission

### Workshop Session

Item #4.

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**Meeting Date:** April 8, 2021

**Presented By:** Tamra Allen, Community Development Director

**Department:** Community Development

**Submitted By:** Tamra Allen, Community Development Director

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#### **Information**

#### **SUBJECT:**

Discussion regarding potential code amendments pertaining to Neighborhood Meetings

#### **RECOMMENDATION:**

#### **EXECUTIVE SUMMARY:**

With the onset of the pandemic, an emergency ordinance was passed that allowed neighborhood meetings to be conducted virtually. The ordinance was extended and is set to expire on May 29, 2021. Staff would like to discuss whether or not this should be an option for applicants beyond the pandemic.

#### **BACKGROUND OR DETAILED INFORMATION:**

#### **SUGGESTED MOTION:**

Discussion Only.

#### **Attachments**

1. ORD 4967
2. Ordinance No. 4923 - 2020

## ORDINANCE NO. 4967

### AN ORDINANCE TO AMEND AND EXTEND ORDINANCE 4923 AMENDING THE GRAND JUNCTION MUNICIPAL CODE REGARDING NEIGHBORHOOD MEETINGS AND TO ALLOW FOR ALTERNATIVE HEARING PROCEDURE FOR LAND USE APPLICATIONS IN THE CITY OF GRAND JUNCTION, COLORADO

#### RECITALS:

On June 5, 2020 the Grand Junction City Council adopted Ordinance 4923 finding the existence of a special emergency and that as an emergency matter the Ordinance was necessary to ensure the preservation of the peace, public health, safety and general welfare by effectuating the Council's public purposes and policies, which are consistent with and supportive of those of the State of Colorado.

When Ordinance 4923 was adopted it was in response and due to the incidence of COVID-19 in the general public. Ordinance 4923 followed a declaration of a Local Emergency, the designation of pandemic by the World Health Organization, Emergency Declarations by Governor Polis and President Trump, together with the various Public Health Orders (PHO's) issued by the Colorado Department of Public Health and Environment and Executive Orders (EO's) issued by Governor Polis, all of which established guidelines, policies and restrictions necessary for the health and safety of the residents of Colorado. Because of COVID-19 and the fact that the virus continues to spread, those actions, together with others, continue to be relevant and necessary actions must be taken to continue to attempt to limit the transmission of the virus.

In response to COVID in general, and specifically as provided in Ordinance 4923, certain City regulations have been temporarily implemented, amended and adjusted in order to respond to the emergency. Those temporary regulations included but were not limited to prescribing procedures for the conduct of City business and controlling the occupancy of certain premises while providing important opportunities for citizen engagement, dissemination of information, public participation and transparency. Related modifications of City business processes and procedures, included the amendment of the City Code to conduct City business remotely, and the development and implementation of techniques for citizens to view meetings and otherwise comment on agenda topics and for alternative public participation processes.

Ordinance 4923, which created many of those procedures, includes a sunset provision, which provides in relevant part that without further action by the City Council, the Ordinance will expire 180 days after the effective date thereof.

In order to continue to respond to the challenges presented by COVID, the City Council, by and with this ordinance extends Ordinance 4923, the amendments made to the Code and the City's *Alternative Hearing Procedure* enacted therewith, for an additional 180 days.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GRAND JUNCTION, COLORADO:**

The City Council having duly considered this Ordinance does find and determine that an amendment to and extension of the sunset of Ordinance 4923 is necessary given the current urgent situation presented by COVID.

Accordingly, Ordinance 4923, an ordinance amending the Grand Junction Municipal Code regarding neighborhood meetings and to allow for alternative hearing procedure for land use applications in the City of Grand Junction, Colorado shall be amended to provide an extended term of 180 days after the effective date hereof and shall expire, without subsequent action by the City Council, on the date immediately thereafter.

All other provisions of Ordinance 4923, as codified in the Grand Junction Municipal Code, shall remain in full force and effect. The extended term of the Ordinance will be applied in a manner that the City reasonably considers to comport with principles of Due Process and fundamental fairness as found and determined by the City Council with the enactment of Ordinance 4923.



C.E. Wortmann  
President of the Council

ATTEST:



Wanda Winkelmann  
City Clerk



I HEREBY CERTIFY THAT the foregoing Ordinance, being Ordinance No. 4967 was introduced by the City Council of the City of Grand Junction, Colorado at a regular meeting of said body held on the 18<sup>th</sup> day of November 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 2<sup>nd</sup> day of December 2020, at which Ordinance No. 4967 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 4<sup>th</sup> day of December 2020.

  
Deputy City Clerk

Published: November 20, 2020  
Published: December 4, 2020  
Effective: January 3, 2021





## ORDINANCE NO. 4923

### AN EMERGENCY ORDINANCE TO AMEND THE GRAND JUNCTION MUNICIPAL CODE REGARDING NEIGHBORHOOD MEETINGS AND TO ALLOW FOR ALTERNATIVE HEARING PROCEDURES FOR LAND USE APPLICATIONS IN THE CITY OF GRAND JUNCTION, COLORADO

#### RECITALS:

Due to the incidence of COVID-19 in the general public, the designation of pandemic by the World Health Organization, the Declaration of a Disaster Emergency by Governor Polis on March 10, 2020, and a National Emergency by President Trump on March 13, 2020, together with the Public Health Orders (PHO's) issued by the Colorado Department of Public Health and Environment and Executive Orders (EO's) issued by Governor Polis, all of which established guidelines, policies and restrictions necessary for the health and safety of the residents of Colorado, the City declared a Local Emergency (Declaration.) With that Declaration, certain City regulations have been temporarily implemented, amended and adjusted in order to respond to the emergency. Those temporary regulations included but were not limited to prescribing procedures for the conduct of City business and controlling the occupancy of certain premises. The City's Declaration expired May 6, 2020.

On April 26, 2020 Governor Polis issued Executive Order 2020-044 and the Colorado Department of Public Health and Environment issued Public Health Order 20-28 also known as the "Safer at Home Order" which among other things continues to limit social interactions (except as required to conduct *Necessary Activities*) and travel (except that deemed to be *Essential Travel*) all as defined by the EO's and PHO's. In addition, Executive Order 2020-44 prohibits public gatherings in both public spaces and private venues of ten (10) persons or more. Executive Order 2020-044 is effective to and through May 26, 2020.

The virus, and the various PHO's, EO's and other directives and recommendations issued in response to the virus have resulted in the need for the Declaration and attendant modification of City business processes and procedures, including the City Council and the Planning Commission adopting electronic participation policies that allow the City to conduct City business remotely, and the development and implementation of techniques for citizens to view meetings and otherwise comment on agenda topics; however, Council and Commission meetings are not the exclusive means of public participation in City processes. For purposes of land use applications, Neighborhood Meeting and public hearings provide important opportunities for citizen engagement, dissemination of information, public participation and transparency.

By and with this Emergency Ordinance the City Council amends the Grand Junction Municipal Code (GJMC or Code) to provide that Neighborhood Meetings may temporarily be conducted virtually.

Furthermore, the GJMC is amended to allow and provide that quasi-judicial hearings before the Planning Commission and City Council may be heard and decided in accordance with the *Alternative Hearing Procedure* adopted with this Ordinance. The *Alternative Procedure* provides a means for conducting electronic dissemination of information and for alternative means of participation in public meetings. The *Alternative Hearing Procedure* is attached and incorporated by this reference as if fully set forth.

Both the Colorado Constitution and the Fourteenth Amendment to the United States Constitution prohibit the government from depriving any person of life, liberty, or property without due process of law. In *Sundance Hills Homeowners Association v Board of County Commissioners*, the Colorado Supreme Court held that for a land use hearing the governing body must provide notice that minimally specifies the time, place, and subject matter of the public hearing, as well as the nature of the proposal being considered. In addition, the Court held that the hearing must afford affected parties the opportunity to appear before the decision-making body and be heard. The City's *Alternative Hearing Procedure* is enacted and will be applied in a manner that the City reasonably considers to comport with principles of Due Process and fundamental fairness; however, the City cannot assure an applicant that the Alternative Procedure and any decision made under the Alternative Procedure, may not be challenged and/or be found to violate Due Process/Constitutional rights.

At the May 20, 2020 meeting the City Council considered this Ordinance and determined that amendment of the Code is necessary given the current emergency and the City Council deems it necessary to immediately modify the Code as follows.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GRAND JUNCTION, COLORADO:**

Titles 21.02.080(e) and (j) (in relevant part) of the Grand Junction Municipal Code are amended as follows (deletions ~~struck through~~; additions underlined):

21.02.080(e)(2) Meeting Time and Procedure Location. The applicant must provide for a physical or virtual meeting room and must conduct the meeting. Meetings must be held on a weekday evening that is not a holiday beginning between 5:30 p.m. and 8:00 p.m. ~~in a location that is and be accessible to the affected neighborhood. The Director may approve other times and locations.~~ The meeting date, time and format location must be approved by the Director no less than 14 days in advance of the meeting date. ~~To qualify,~~ A required Neighborhood Meeting must be held not more than 180 days before the application is submitted.

(3) Meeting Content and Conduct. At the meeting The applicant shall present a concept plan, describe project impacts, describe ways to mitigate impacts, and facilitate a discussion and answer questions during the meeting. 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). The meeting shall be conducted so that participants attendees have an opportunity to ask questions and provide comments. City staff should gather information and explain the rules and requirements. City staff shall provide information regarding the project's compliance with the Comprehensive Plan and any applicable adopted plan or ordinance. Included with the application submittal, the applicant must give the Director a written list of names and addresses of those given notice, how notice was provided, and those participating in the meeting attending, along with a written summary of the meeting including any public comment received.

(4) Notice. The applicant shall provide written notice of the date, time, place if an in person meeting is conducted or the web location/host, together with any and all information required to access the meeting if conducted virtually and subject of the meeting to every owner and group in the neighborhood, as well as the City ~~Public Works and~~ Community Development Department. The notice must be approved by the Director no less than 14 days in advance of the meeting date and

shall be, at a minimum delivered by U.S. mail. The notice must be made hand-delivered or postmarked no later than 10 calendar days prior to the meeting date.

(j)(5) Additional Rules. The body conducting the hearing may adopt its rules of procedure to limit the number of applications, ~~for development approval to be considered per meeting, and to limit the time for each presentation or speaker~~ or as provided by this ordinance 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.

City Council hereby declares that a special emergency exists and that this ordinance is necessary to ensure the preservation of the peace and the public health, safety and welfare by effectuating the Council's publicly purposes and policies, which are consistent with and supportive of those of the State of Colorado.

This Ordinance, immediately on its final passage, shall be recorded in the City book of ordinances kept for that purpose, authenticated by the signatures of the Mayor and the City Clerk. The full text of the amending ordinance, in accordance with the Charter of the City of Grand Junction, is to be published in full within three days.

This Ordinance shall apply to the City of Grand Junction. This Ordinance shall take effect immediately upon passage and with the unanimous approval of City Council.

Severability.

This Ordinance is necessary to protect the public health, safety and welfare of the residents of the City. If any provision of this Ordinance is found to be unconstitutional or illegal, such finding shall only invalidate that part or portion found to violate the law. All other provisions shall be deemed severed or severable and shall continue in full force and effect.

All other provisions of Title 3 of the Grand Junction Municipal Code shall remain in full force and effect.

Sunset.

Without further action by the City Council, the terms and provisions of this ordinance shall expire 180 days after the effective date hereof without subsequent action by the City Council.

  
C.E. Duke Wortmann  
President of the Council

ATTEST:

  
Wanda Winkelmann  
City Clerk



I HEREBY CERTIFY THAT the foregoing Emergency Ordinance, being Ordinance No. 4923 was introduced by the City Council of the City of Grand Junction, Colorado at a regular meeting of said body held on the 3<sup>rd</sup> day of June 2020.

I FURTHER CERTIFY THAT Ordinance No. 4923 was read, considered, adopted and ordered published in the Daily Sentinel by the Grand Junction City Council.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of said City this 5<sup>th</sup> day of June 2020.

  
Deputy City Clerk



Published: June 5, 2020 (full ordinance)  
Effective: June 3, 2020 (date of adoption)