

ORDINANCE NO. 3838

**AN ORDINANCE REVISING THE ZONING AND DEVELOPMENT CODE
FOR THE CITY OF GRAND JUNCTION
TO BE PUBLISHED IN PAMPHLET FORM**

RECITALS: The last annual update of the Grand Junction Zoning and Development Code ("Code") was adopted on December 19, 2001, with an effective date of January 20, 2002. Council has requested that staff consider another update of the Code to determine whether any changes are needed. During the review of the Code it was determined that errors had occurred with the codification of the ordinances that have passed since December 19, 2001 affecting the Code. Before the update of the Code is considered, it is necessary to revise the Code to have a baseline version. The proposed revision is a compilation of changes and refinements from Ordinance Nos. 3398, 3436, 3529, 3610, 3625, and 3641 and includes corrections of matters not changing the substance of the Code.

Planning Commission considered the revised Code on October 25, 2005 and recommended that City Council adopt the revised Code as the City's Zoning and Development Code. Approval of this ordinance will replace the Zoning and Development Code previously adopted and replaces any previously printed versions of the Code.

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

The City's Zoning and Development Code, as presented and approved by the City Council at the November 2, 2005 hearing, is hereby adopted and replaces the Zoning and Development Code previously adopted.

Due to the length of this document, and because it is available in a readily used bound pamphlet form, the Clerk is authorized to publish the Zoning and Development Code adopted with this Ordinance by pamphlet.

Introduced on first reading the 19th day of October 2005.

Passed and adopted on second reading this 2nd day of November 2005.

/s/ Bruce Hill
President of the Council

Attest:

/s/ Stephanie Tuin
City Clerk

CHAPTER TWO PROCEDURES

2.1 REVIEW AND APPROVAL REQUIRED

The policies and regulations in this Code apply to the use and/or development of all land. No person shall begin or change a land use or development in the City without first obtaining a permit or approval from the Director.

Table 2.1 summarizes the procedures, agencies and public bodies involved in the development proposal process. The procedures, applications, the agencies and public bodies involved in the process, and the methods of appeal are described in Sections 2.2 and 2.3.

**Table 2.1
REVIEW PROCEDURES SUMMARY**

Application Process	General Meeting ^{1,9}	Neighbor-hood Meeting	Acting Body				Notices ²		
			Director	PC	CC	ZBOA	Public	Mail	Sign
ADMINISTRATIVE PERMITS									
Planning Clearance	O-	-	D	-	-	A	-	-	-
Certificate of Occupancy	-	-	D	-	-	A	-	-	-
Home Occupation	-	-	D	-	-	A	-	-	-
Temporary Use	O-	-	D	-	-	A	-	-	-
Change of Use	M-	-	D	-	-	A	-	-	-
Site Plan Review (Major/Minor)	M (Major Only)	-	D	A	-	-	-	-	-
Fence	-	-	D	-	-	A	-	-	-
Sign	-	-	D	-	-	A	-	-	-
Floodplain Permit	M-	-	D	-	-	A	-	-	-

Table 2.1 Continued

Application Process	General Meeting ^{1,9}	Neighbor-hood Meeting	Acting Body				Notices ²		
			Director	PC	CC	ZBOA	Public	Mail	Sign
GROWTH PLAN AMENDMENT³									
Text Amendments	M-	-	R	R	D	-	M	-	-
Map Amendments	M-	M ⁴	R	R	D	-	M	M ⁶	M ⁶
CODE AMENDMENTS									
Zoning Map Amendments	M-	M ⁴	R	R	D	-	M	M ⁶	M ⁶
Text Amendments	M-	-	R	R	D	-	M	-	-
MAJOR SUBDIVISION									
Concept Plan (optional)	O	O	R ⁸	- D ⁸	-	-	-	-	-
Preliminary Plan not in conjunction with action requiring Council approval	M	M ⁵	R	D ⁷	A	-	M	M	M
Final Plat	M-	-	D	A	-	-	-	-	-
Development Improvement Agreements	-	-	D	-	-	-	-	-	-
PLANNED DEVELOPMENT									
ODP (optional)	M	O	R	R	D	-	M	M	M
Preliminary Plan	M	M ^{4,5}	R	R	D	-	M	M	M
Final Plan	M-	-	D	A	-	-	-	-	-
Plan Amendments Major Minor	M- -	M ^{4,5} -	R D	D A	A -	- -	M -	M M	M -
OTHER APPLICATIONS									
Conditional Use Permit	M	O	R	D	A	-	M	M	M
Historic Preservation	O-	-	R	-	D	-	M	-	-
Revocable Permit	M-	-	R	-	D	-	-	-	-

Table 2.1 Continued

Application Process	General Meeting ^{1,9}	Neighbor-hood Meeting	Acting Body				Notices ²		
			Director	PC	CC	ZBOA	Public	Mail	Sign
Zoning of Annexation	M-	-	R	-R	D	-	M	M ⁶	M ⁶
Simple Subdivision	M	-	D	A	-	-	-	M	-
(Vacation Plat, Easement or Right-of-way)	M-	-	R	R	D	-	M	M	M
Variance City Council ZBOA	- M-	- -	R R	R -	D -	- D	M M	- M	- M
Vested Rights	M-	-	R	R	D	-	M	-	-
Appeal of Director Decisions	O-	Table 2.1 Continued				D	M	-	-
Institutional & Civic Facility Master Plans	M	M	R	R	D	-	M	M	M

KEY:

M	Mandatory	R	Review Body
O	Optional/Recommended	D	Decision Maker
-	No/Not Applicable	A	Appeal Body

Footnotes:

- ¹ Where required, a General Meeting with City staff must occur before a development application will be accepted. In addition, a Preapplication Conference with City staff is highly recommended for most subdivisions, multifamily, commercial and industrial projects, as the best way to ensure the success of a project.
- ² Some administrative review does require notice. See Section 2.2.B.3.
- ³ The Joint City/County Planning Commission decides requests to amend the Growth Plan for unincorporated property in the Joint Urban Planning Area.
- ⁴ A neighborhood meeting is required for a Growth Plan amendment or rezoning to a greater intensity/density.
- ⁵ A neighborhood meeting is required if 35 or more dwellings or lots are proposed.
- ⁶ Mailed notice and sign posting is not required for Growth Plan map amendments, rezonings or zoning of annexations relating to more than five percent (5%) of the area of the City and/or related to a Citywide or area plan process.
- ⁷ The Director shall be the decision-maker for nonresidential condominium preliminary plans for platting.
- ⁸ The Director may make recommendations. The Planning Commission members should react, comment, question, critique and give direction (Section 2.7).
- ⁹ Even though a General Meeting may not be required, applicants should confer with City staff regarding potential issues with a proposed development, and to receive a submittal checklist.

2.2 ADMINISTRATIVE DEVELOPMENT PERMITS

- A. Generally, the procedures for all applications have three (3) common elements: (1) submittal of a complete application, including required fees; (2) review by City staff and other review agencies; and (3) action and/or decision.
- B. **Common Elements of Procedures.** The following procedures apply unless modified by more specific provisions elsewhere. The times for the City to act are maximum number of working days. The Director may shorten any time frame specified herein.

1. **General Meeting/Preapplication Conference.**

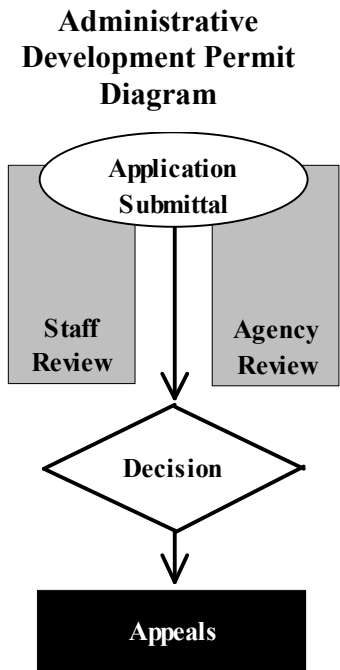
a. a. **General Meeting.** The general meeting allows the applicant to meet informally with the staff to discuss a project and provide feedback and ideas. Based on the detail and information provided, the staff will give direction on the merits, procedures and issues on a proposed project. A General Meeting is not required for all applications. A development application may not be submitted until after the general meeting is completed if required by the Director.

b. **Pre-Application Preapplication Conference.** A preapplication conference (“preapp”) with City staff is highly recommended for most subdivisions, multifamily, commercial and industrial projects. The general purposes of a preapplication conference are to:

- (1) Understand the proposed project and the applicant’s specific objectives;
- (2) Identify applicant time goals such as property closing dates, construction starts, and operation dates;
- (3) Identify City approvals needed before any development can start;
- (4) Identify documents, plans, drawings, fees and process other materials necessary for a complete application;
- (5) Identify significant issues likely to arise to be dealt with; and
- (6) Begin to familiarize the applicant with City requirements, and this Code.

c. **Applicability.** Table 2.1 shows the permits for which a general meeting is required. The Director may waive the general meeting if it is not likely to help the neighborhood or applicant.

d. **d. Application Requirements.** Submittal requirements for permits are listed in the SSID Manual; however, the scope or location of any specific proposal may require the applicant to provide different or additional information. At the general meeting or preapplication conference, the Director shall decide what information will be required to evaluate the proposal. At any time the Director may change his mind based on new information, mistakes or neighborhood concerns and require additional or different information. The Director shall give the applicant a form showing the decisions and requirements from the general meeting or



preapplication conference.

2. **Application Requirements.**

- a. **Materials.** Lists of required application materials are available from the Director and are included in the SSID Manual.
- b. **Application Deadlines.** Application deadlines are included in the SSID Manual or by administrative policy.
- c. **Application Fees.** The City Council sets fees to recover some of the costs of processing, publicizing, and reviewing applications. City Council may, by resolution, modify any fee at any Council meeting.
- d. **Completeness.** The Director shall decide if the application is complete. If the application is not deemed complete, the Director shall notify the applicant and the submittal shall be returned. The Director shall retain a copy of the checklist identifying any submittal deficiency.

3. **Notice.** Public notice is not required for most administrative permits. The duty to provide notice, when required, is always the applicant's. Notice is provided as follows:

- a. Within five (5) working days of receipt of a complete application, the Director shall give notice, at the applicant's cost, by first class U.S. mail to each person shown as an owner within 500 feet and at the address by the County Assessor.
- b. Notice should include a general description of the proposal, the location of the property and the soonest the Director can decide on the application.
- c. The Director's failure to send any notice does not mean the proposal is approved since it is always the applicant's ultimate responsibility to see that all City rules, requirements and procedures are followed. The Director may require the applicant pay for additional notice, in any form for any type of proposal if he believes such notice will further the purpose or intent of this Code.

4. **General Procedures.**

The Director shall evaluate each application for compliance with City requirements. The Director shall solicit other agency comments. The Director shall provide his/her comments in writing to the applicant.

- b. The Director may forward copies of the applications to various agencies for their input and review. Such other agencies include:
 - (1) Other City departments;
 - (2) Utilities;
 - (3) Law enforcement;
 - (4) Fire protection agencies;
 - (5) General purpose government;
 - (6) State agencies (*e.g.*, Geologic Survey, Transportation, Natural Resources, Wildlife); and
 - (7) Federal agencies (*e.g.*, Federal Emergency Management Agency, Bureau of Land Management, U.S. Army Corps of Engineers).
- c. Agency review and input is advisory only.
- d. An application submitted to the City for review must be diligently pursued and processed by the applicant. Accordingly, if the applicant, within

ninety (90) calendar days of mailing of the City's review comments on any submittal (or resubmittal) of an application for approval of a development application, does not resubmit revised documents to address comments from the City, the development application shall lapse and become null and void. The Director may grant one (1) extension of the foregoing ninety (90) day requirement, not to exceed thirty (30) days in length.

5. **Comments – Time to Respond.**

- a. The Director must approve, approve with conditions, or disapprove all complete applications for an administrative permit.

After receipt of the applicant's written response to comments/recommendations the Director shall, based on the applicable review criteria, approve, approve with conditions or disapprove the application. The Director may allow the applicant additional resubmittals and responses before the Director decides.

6. **Appeals and Amendments.** The Director's decision is final unless the Director receives written appeal within ten (10) working days of the date the City's records show the notice of decision was mailed. A permit shall be amended through the process it was originally approved.

7. **Validity.** Unless otherwise provided herein an administrative permit shall expire on the anniversary date, one (1) year after, except that the Director may extend the permit for up to 180 more days if the applicant proves he/she can complete the project in conformance with currently adopted codes and policies.

8. **Continued Compliance.** Once constructed, the owner(s) 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 Chapter Eight.

9. **Enforcement and Revocation.** In accordance with the provisions of Chapter Eight, 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.

C. **Administrative Permits - General Types**

1. **Planning Clearance.**

- a. No person shall establish, modify or expand a use or a structure, other than a fence or sign regulated by this Code, until both a planning clearance and a building permit have been issued.

- b. Review Criteria. The proposed development shall:

- (1) Be located on a lot or parcel that is authorized for development by this Code;⁶
 - (2) Be consistent with the zone and use provisions established in Chapter Three of this Code;
 - (3) Be served by the required public facilities and services; and
 - (4) Have received all applicable local, state and federal permits.
 - c. Application, Review and Decision-Making Procedures. See Table 2.1 and Section 2.2.B, except that:
 - (1) Planning clearance shall expire 180 days after it is issued. If a building permit is obtained within such six (6) month period, the planning clearance shall be valid for as long as the building permit remains valid.
 - 2. **Building Permit.**
 - a. No person shall construct, modify or use a structure until a planning clearance has been obtained and a building permit has been issued.⁷
- D. **Administrative Permits - Use Types**
- 1. **Home Occupation Permit.**
 - a. **Purpose.** Home occupation permits are needed to ensure that all home occupations are conducted in a safe manner without adverse affects on neighboring properties.
 - b. **Applicability.** No person shall conduct a home occupation until the Director has issued a home occupation permit.
 - c. **Review Criteria.** The applicant shall demonstrate that the proposed use conforms to the home occupation standards established in Chapter Four of this Code.
 - d. **Application, Review and Decision-Making Procedures.** See Table 2.1 and Section 2.2.B.
 - 2. **Temporary Use Permit.**
 - a. **Purpose.** A temporary use permit helps ensure that temporary uses, including special events, are safe and minimizes adverse impacts on City infrastructure and neighboring properties.
 - b. **Applicability.** No person shall establish a temporary use for a period exceeding forty-eight (48) hours without a temporary use permit. Special events and activities conducted on public property, such as school sites and City parks, which have the consent of the owner, shall be exempt from the provisions of this Section 2.2.D. Only one (1) temporary use is permitted at any given time on a parcel or lot.
 - c. **Review Criteria.** The applicant shall demonstrate that:
 - (1) The use is an authorized temporary use pursuant to Section 4.3.L.;
 - (2) There is no other temporary use on the parcel or lot;
 - (3) The use will not be detrimental to the public health, safety and

⁶ If the lot or parcel is “not authorized” only the Zoning Board of Appeals can approve the planning clearance.

⁷ “Construct,” “use,” or “modify” means, in this context, that a building permit is required under the adopted Building Code.

- general welfare;
- (4) The use is consistent with the purpose and intent of this Code and the specific zoning district in which it will be located;
 - (5) The use is compatible (intensity, characteristics and appearance) with existing land uses in the neighborhood. Factors to determine compatibility include: location, noise, odor and light, dust control and hours of operation;
 - (6) The use will not cause traffic to exceed the capacity of affected streets;
 - (7) Adequate off-street parking exists in accordance with Section 6.6 of this Code. The use shall not displace the required off-street parking spaces or loading areas of the principal permitted uses on the site;
 - (8) Access to public right-of-way complies with City requirements, except that hard surface travel lanes are not required for a temporary use;
 - (9) Permanent hookups to utilities are not provided;
 - (10) Yard and property line setbacks are met for structures and/or display of merchandise. Displays shall not interfere with the sight visibility triangle of the intersection of the curb line of any two (2) streets or a driveway and a street. No personal property, including structures, tents, *etc.* shall be located within the public right-of-way;
 - (11) Signage is allowed only while the temporary use is permitted. A temporary use sign shall not exceed thirty-two (32) square feet, excluding signage fixed to an operable motor vehicle. There shall be no portable signs. No off-premise sign shall advertise a temporary use;
 - (12) At least thirty (30) calendar days have passed since any temporary use on the parcel or lot; and
 - (13) The temporary use will not exceed four (4) months.
- d. **Application, Review and Decision-Making Procedures.** See Table 2.1 and Section 2.2.B.
3. **Change of Use Permit.**
- a. **Applicability.** No person shall change the use of a structure or property to another principal use unless and until the Director has issued a change of use permit. A change of use from residential to any other use requires a site plan review. A change of use does not occur unless:
 - (1) The Code requires more off-street parking for the new use than is available on the property;
 - (2) There is any increase in traffic, actual or projected; or
 - (3) The amount of storm water runoff or impervious area is increased.
 - b. **Criteria.** The applicant shall prove that:
 - (1) The change of use will be consistent with the zoning district and use provisions established in Chapter Three;
 - (2) Accessory uses conform with the provisions in Section 4.1;
 - (3) Parking for the previous use complied with the previous Code, and the change of use will increase the required parking by five (5) or

fewer spaces, in which case additional on-site parking is not required. The required parking spaces may be reduced by up to ten percent (10%) for each 200 square feet additional landscaped area provided for each parking space; and

- (4) New parking areas shall comply with the landscaping, access, paving and drainage requirements of this Code.

c. **Application, Review and Decision-Making Procedures.** See Table 2.1 and Section 2.2.B.

4. **Major Site Plan Review.** The Director reviews site plans to determine compliance with this Code, the Growth Plan, adopted corridor guidelines and other regulations. The siting of structures and site improvements are reviewed to promote compatibility with the neighborhood.

a. **Applicability.**

Construction plans, based upon the approved final site plan and consisting of detailed specifications and diagrams illustrating the location, design and composition of all improvements identified in the final site plan and required by this Code, shall be submitted to the City for any project that necessitates the construction, reconstruction or modification of new or existing improvements. These documents shall include complete plans and specifications of all required improvements identified and approved as part of the final site plan phase. The City shall keep the plans as a permanent record of the required improvements. All development requires major site plan review except:

- (A) A structure with one (1) or two (2) dwellings;
- (B) Nonresidential, interior remodeling which will cost twenty-five percent (25%) 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 and a wall;
- (F) An approved sign;
- (G) An approved change of use;
- (H) Minor site plan development; and
- (I) A Development which the Director determines does not require a major site plan review if the development will not adversely affect the neighborhood and meets the purpose and intent of this Code.

(2) Major site plan review shall occur prior to issuance of a planning clearance and a building permit.

b. **Review Criteria.** The Director will approve the major site plan if the applicant demonstrates that the proposed development complies with:

- (1) Adopted plans and policies, such as:
 - (A) The Growth Plan and any applicable corridor, special area or neighborhood plans; and
 - (B) The Grand Valley Circulation Plan, trails plan and parks plan;

conditions of any prior approvals;

- (3) Other Code requirements, including:
 - (A) Rules of the zoning district;
 - (B) The Use-specific standards in Chapter Three;
 - (C) The design and improvement standards provided in Chapter Six; and
- (4) Quality site design practices, including:
 - (A) The site shall be organized harmoniously and efficiently in relation to topography, the size and type of the property affected, the character and site design of adjoining property, and the type and size of structures. The site shall be developed to accommodate future growth in the neighborhood.
 - (B) To the maximum degree practical, the native floral bushes, grasses and trees and other landscaping shall be preserved, by minimizing vegetation disturbance and soil removal and by other appropriate site construction planning techniques. Wind and water erosion shall be minimized through site design.
 - (C) Fences, walls and live screening shall be provided to protect the neighborhood and the future uses of the site from adverse effects such as undesirable views, lighting and noise.
 - (D) Plant materials shall be in scale with the structures, the site and its uses and surroundings. Plantings should be arranged to harmonize in size, color, texture, and year-round characteristics of the structures and the site.
 - (E) The scale, character and orientation of structures shall be compatible with present and future uses.
 - (F) Exterior lighting shall be hooded so that no direct light is visible off the site.
 - (G) All utility service lines shall be underground including natural gas, electrical, telephone, and cable television lines.
 - (H) On-site parking, loading and vehicular and pedestrian circulation must be safe.
accesses shall be arranged to minimize negative impacts on the neighborhood. Off-site and on-site improvements may be required for safe vehicular and pedestrian movement.
 - (J) Emergency and utility vehicles must have obvious and ready access to all structures and areas of the site.
 - (K) Public facilities and utilities shall be available concurrent with the Development.

- c. **The Application, Review and Decision-Making Procedures.** See Table 2.1 and Section 2.2.B.
- d. **Validity.** Unless otherwise approved, a major site plan shall only be valid for 180 calendar days. If a building permit is obtained within said 180 calendar days, the major site plan approval shall be valid for as long as the building permit remains valid.

5. **Minor Site Plan.**

- a. This review process may be used by the Director to review lesser-intensity projects if a limited review of zoning, parking, circulation, access and minor drainage changes will be adequate. Construction plans, based upon the approved final minor site plan and consisting of detailed specifications and diagrams illustrating the location, design and composition of all improvements identified in the final minor site plan and required by this Code, shall be submitted to the City for any project that necessitates the construction, reconstruction or modification of new or existing improvements. These documents shall include complete plans and specifications of all required improvements identified and approved as part of the final site plan phase for minor site plan review. The City shall keep the plans as a permanent record of the required improvements.
- b. The Director may use this review process if the proposed project is limited to:
 - (1) A new structure of up to 1,000 gross square feet only for storage, mechanical room, *etc.* if water and sewer services are not provided and if no structures currently exist on the parcel;
 - (2) An addition to a structure of up 1,000 gross square feet or a new structure of up to 1,000 square feet on a lot with one (1) or more structures;
 - (3) An existing parking lot or existing work area to be paved with asphalt or concrete;
 - (4) A temporary office trailer;
 - (5) Similar low-impact uses; or
 - (6) A proposed residential subunit or accessory unit.
- c. Criteria. To receive approval the applicant must demonstrate that the development:
 - (1) Complies with the Growth Plan; and any applicable corridor, special area and neighborhood plans;
 - (2) Complies with the adopted Grand Valley Circulation Plan, trails plan and parks plan;
 - (3) Will be located on property that is authorized for development by this Code;
 - (4) Is consistent with the zoning and use provisions;
 - (5) Meets parking, access and drainage requirements;
 - (6) Is served by public facilities; and
 - (7) Has or is eligible to receive all applicable local, state and federal permits.
- d. **The Application, Review and Decision-Making Procedures** . See Table 2.1 and Section 2.2.B.
- e. **Validity.** Unless otherwise approved, a minor site plan shall only be valid for 180 calendar days. If a building permit is obtained within said 180 calendar days, the minor site plan approval shall be valid for as long as the building permit remains valid.

E. **Other Administrative Permits.**

1. **Fence Permit.**

- a. **Applicability.** No person shall erect or maintain a fence or wall unless the Director has issued a fence permit. A fence or wall that exceeds six feet (6') in height is considered a structure and requires a planning clearance and building permit instead of a fence permit. (3) Fences may be required in any development to restrict or direct access to other property, right-of-way or for aesthetic purposes. Fences must comply with Section 4.1.J of the Code, any design guidelines and other conditions of approval. A fence or a wall may vary from the standards in Section 4.1.J if approved as part of a development plan;
 - (1) In a proposed planned development zone; or
 - (2) On a site with a conditional use permit.
- b. **Criteria.** No fence shall be built unless the Director has approved a plan showing the type and method of construction, anchoring of the posts and gates; the distance between the fence and the property lines including right-of-way; and the height of the fence.
- c. **The Application, Review and Decision-Making Procedures.** See Table 2.1 and Section 2.2.B.
- d. **Validity.** A fence permit shall only be valid for 180 calendar days.

2. **Sign Permit.**

- a. **Applicability.** No person shall erect or display a nonexempt sign (see Section 4.2) unless the Director has issued a sign permit. An on-premise temporary sign may be erected without a permit if done as referred in Section 4.2.D. No person shall alter a sign face by painting or overlay such that the color, symbols, letters or other aspect is changed without a permit. Touching up or repainting existing letters, symbols, *etc.*, is maintenance and does not require a permit.
- b. **Criteria.**
 - (1) All signs shall be constructed and maintained in accordance with Section 4.2.
 - (2) A sign in a corridor overlay district shall comply with the design guidelines.
 - (3) The zoning district may further restrict and limit the type of sign.
 - (4) A sign shall be located on the property to which it refers unless permitted as off-premise sign. A sign shall be permanent except as allowed in Section 4.2.D.
 - (5) An exterior sign shall be designed to withstand a wind load of thirty (30) pounds per square foot.
 - (6) No person shall place on or attach any sign to any public property, including any curb, sidewalk, post, pole, hydrant, bridge, tree or other surface unless authorized by this Code or other City ordinance.
- c. **The Application, Review and Decision-Making Procedures.** See Table 2.1 and Section 2.2.B.
- d. **Validity.** A sign permit or clearance shall only be valid for 180 calendar days.

3. **Floodplain Development Permit.**

- a. **Applicability.** No person shall construct or maintain any use or structure nor make any development in a floodplain or within any area of special flood hazard (Section 7.1) unless the Director of Public Works and Utilities has issued a floodplain permit.
 - b. **Review Criteria.** The Director of Public Works and Utilities shall not issue a floodplain permit unless the applicant demonstrates conformance with Section 7.1 of this Code.
 - c. **The Application, Review and Decision-Making Procedures** are in Table 2.1 and Section 2.2.B. When base flood elevation data has not been provided in accordance with Section 7.1.C, the Director of Public Works and Utilities 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.
 - d. **Director's Responsibilities.**
 - (1) **Record Keeping.** The Director of Public Works and Utilities shall obtain and maintain the following information:
 - (A) The actual elevation (relative to mean sea level) of the lowest floor (including basement) of each structure;
 - (B) 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 floodproofing certifications required in Section 7.1; and
 - (C) Records pursuant to Section 7.1.
 - (2) **Alteration of Watercourses.** The Director of Public Works and Utilities shall require proof that the applicant has:
 - (A) Notified adjacent communities and the Colorado Water Conservation Board prior to any alteration or relocation of a watercourse. The Director of Public Works and Utilities shall submit evidence of such notification to the Federal Emergency Management Agency; and
 - (B) Demonstrated that maintenance is provided for within the altered or relocated portion of said watercourse so that the flood-carrying capacity is not diminished.
 - (3) **FIRM Boundaries.** The Director of Public Works and Utilities shall interpret the Flood Insurance Rate Maps (FIRM) to decide location of the boundaries of the areas of special flood hazard.
4. **Simple Subdivisions** (lot consolidations, lot splits, boundary adjustments and Plat corrections)
- a. **Purpose.** The simple subdivision process allows the Director to approve a minor lot adjustment and a lot split and to correct a minor error in a plat.
 - b. **Applicability.** If requested in writing by every owner and every lienor, the Director may allow the simple subdivision process to be used to:
 - (1) Consolidate one (1) or more lots;
 - (2) Create only one (1) additional lot;
 - (3) Change a boundary line between two (2) abutting lots or parcels; or

- (4) Change a plat to:
 - (A) Correct an error in the description;
 - (B) Indicate monuments set after death, disability or retirement of the engineer or surveyor;
 - (C) Correct any monument;
 - (D) Correct a scrivener or clerical error such as lot numbers, acreage, street names and identification of adjacent recorded Plats;
 - (E) Correct an error in a legal description of adjacent property;
 - (F) Change a lot line in order to cure an encroachment on or over a lot line or an easement; or
 - (G) Change a lot line between lots if the number of lots does not increase.
- c. **Criteria.** The Director will approve a simple subdivision if the applicant demonstrates that:
 - (1) All lots comply with this Code, including Section 3.6.B and the density provisions;
 - (2) There is no change to existing easements or right-of-way (additional easements or right-of-way may be dedicated);
 - (3) The right-of-way shown on the Grand Valley Circulation Plan is not changed;
 - (4) The character of the plat and the neighborhood will not be negatively impacted; and
 - (5) No portion of the property has been the subject of a lot split in the preceding ten (10) years.
- d. **Application and Review Procedures** are in Table 2.1 and Section 2.2.B, except:
 - (1) A general meeting is required;
 - (2) The neighborhood shall be given notice;
 - (3) A perfected appeal of a Director's decision shall be reviewed by the Planning Commission; and
 - (4) The final approval shall be the recording of the plat.

2.3 PERMITS REQUIRING PUBLIC HEARING

- A. Generally, the procedures for all applications have three (3) elements:
 - 1. Submittal of a complete application, including payment of fees;
 - 2. Review by City staff and other agencies; and
 - 3. A decision.
- B. **Common Elements of Procedures.** The following requirements are common to all applications. The times for the City to act are maximums stated in terms of working days. The Director may shorten any time frame specified herein.
 - 1. **General Meeting.** At a general meeting the applicant discusses the project with City staff in more depth to obtain general feedback and ideas. Based on the amount of detail and information the applicant presents, the staff shall attempt to give direction on a proposed project. After a general meeting a development

application may be submitted. A general meeting is not required for all applications. The Director may waive the general meeting requirement if it is not likely to help the neighborhood or applicant.

2. **Preapplication Conference.** A preapplication conference with City staff is highly recommended for most subdivisions, multifamily, commercial and industrial projects to:
 - a. Understand the project and the applicant's objectives;
 - b. Identify applicant deadlines such as property closing dates, preferred construction and operation dates;
 - c. Identify the needed approvals;
 - d. Identify the documents, plans, drawings, fees and other materials needed to complete the application;
 - e. Identify the most significant issues; and
 - f. Show the applicant how to meet the Code and other requirements.
3. **Application Requirements.** The SSID Manual lists what is needed to apply for each type of permit. However, the particulars of a project may require different types or levels of information. At the preapplication conference, the Director will tell the applicant what information the applicant must supply to begin the assessment of the project. At any time during the process, the Director may require additional information to respond to issues or concerns. The Director will list the requirements/information told to the applicant at the preapplication conference and place the list in the file.
 - a. **Application Deadlines.** Important application deadlines are in the SSID Manual or by the Director's written policies.
 - b. **Application Fees.** The City Council sets fees in amounts sufficient to recover all or a portion of the taxpayer costs spent processing, giving notice, and reviewing development applications.
 - c. **Completeness.** The Director shall determine if the application is complete. If it is not complete, the Director shall notify the applicant and the submittal will be returned. The Director shall retain a copy of the checklist identifying any submittal deficiency.
4. **Neighborhood Meeting.** A neighborhood meeting should produce a better project through dialogue between the developer and neighbors leading to consensus.
 - a. **Neighborhood Meetings.** Some neighborhood meetings are optional before an application is submitted. If a neighborhood meeting has not been held, then the review body may continue at the first public hearing regarding the project and require that a neighborhood meeting be held before the application is reviewed further if:
 - (1) Neighbor(s) lack significant information or have significant missing information about the project;
 - (2) Neighbor(s) have identified to the review body significant impacts that the developer has not addressed adequately; or
 - (3) Neighbor(s) have suggested to the review body reasonable changes to the project to lessen negative impacts or make improvements to the neighborhood.

- b. **Required Neighborhood Meetings.** A neighborhood meeting shall be held after the general meeting or preapplication conference, but before an application is submitted.
- c. **Limitations to Directed Neighborhood Meetings.** If a neighborhood meeting has been held within three (3) months before the application, the review body may not continue a hearing to require a neighborhood meeting. An applicant may always request a continuance during public hearing in order to have a neighborhood meeting.
- d. **The Neighborhood.** All properties any part of which is located within a radius of 500 feet of any portion of the project are considered “the neighborhood.” Each homeowner’s association, condominium association, other organized neighborhood group (such as a merchants association), or any member’s lot or parcel of which is within 1,000 feet of the project is part of the neighborhood, as are any other formal or informal organized groups known to the Director, which has registered with the Community Development Department is also considered “the neighborhood.” The Director will keep a list of the contact persons and addresses of such groups.
- e. **Meeting Time and Location.** The applicant must provide a meeting room and must conduct the meeting. Meetings must be held on a weekday evening that is not a holiday beginning between 5:30 PM and 8:00 PM in a location that is accessible to the affected neighborhood. The Director may approve other times and locations. The meeting date, time and location must be approved by the Director. To qualify, a meeting must be held between 180 days and fourteen (14) days before the application.
- f. **Meeting Content and Conduct.** At the meeting, the applicant shall present its development plans, describe project impacts, describe ways to mitigate impacts, and facilitate a discussion and answer questions. The applicant decides the format and conduct of the meeting so that attendees have an opportunity to speak and to make written comments. City staff shall not organize or direct the meeting, but should gather information and explain the rules and requirements. Within seven (7) days of the meeting, the applicant must give the Director a written list of names and addresses of those given notice and those attending, along with a written summary of suggestions, comments, criticism and mitigating measures brought up by the applicant and attendees.
- g. **Notice.** The applicant shall provide written notice of the time, place and subject of the meeting to every owner and group in the neighborhood, as well as the City Community Development Department. The notice must be approved by the Director and shall be hand-delivered or delivered by first class mail. The notice must be hand-delivered or postmarked no later than ten (10) calendar days prior to the meeting.

5. **Procedures.**

Staff Review. Applications shall be reviewed by City staff and other appropriate agencies for compliance with City and agency codes and policies. Upon completion of staff review, the staff shall provide its comments in writing to the applicant.

b. **Review by Other Agencies.** The staff shall forward copies of the applications to appropriate agencies for their comments. Examples of review agencies are:

- (1) City departments;
- (2) Telecommunications, gas, electric and other utilities;
- (3) Irrigation, drainage, water and sewage, sewer provider special districts;
- (4) School and fire agencies;
- (5) Law enforcement;
- (6) Mesa County staff, Planning Commission, or Board of Commissioners;
- (7) State agencies (*e.g.*, Colorado Geologic Survey, Colorado Department of Transportation, Colorado Department of Natural Resources, Colorado Division of Wildlife, *etc.*); and
- (8) Federal agencies (*e.g.*, Federal Emergency Management Agency, Bureau of Land Management, U.S. Army Corps of Engineers, *etc.*).

Agency and Department Comments. The agencies' review will be advisory in character, and does not constitute approval or disapproval. All comments shall be forwarded to the applicant for response.

Applicant's Response. An application submitted to the City for review must be diligently pursued and processed by the applicant. Accordingly, if the applicant, within ninety (90) calendar days of mailing of the City's review comments on any submittal (or resubmittal) of an application for approval of a e. development application, does not resubmit revised documents to address comments from the City, the development application shall lapse and become null and void. The Director may grant one (1) extension of the foregoing ninety (90) day requirement, not to exceed thirty (30) days in length.

Review of Response. The Director shall determine if sufficient information has been provided to schedule the application for a hearing. If the Director deems the application insufficient for such purposes, he shall notify the applicant. The applicant shall be allowed additional resubmittals and responses before the application is scheduled for a hearing.

6. **Notice.**

a. **Purpose.** Notice of public hearings allow for community input and due process (the opportunity to be heard) for the applicant and neighbors. Accordingly, nothing herein shall prohibit the Director from providing public notice beyond that legally required, at the applicant's cost.

b. **Published Notice.**

- (1) Unless otherwise provided in this Section a notice setting forth the date, time, place and purpose of such a public hearing, the name of

the applicant and identification of the subject property must be published at least once. The Director shall be responsible for giving notice.

- (2) In computing notice time, the day of the hearing shall be excluded.
 - (3) The applicant shall either provide the information for the notice, or pay the City to prepare the information.
- c. **Mailed Notice of Public Hearing.**
- (1) The Director must mail notice of a public hearing, as required in Table 2.3, by first class U.S. Mail at the applicant's cost to each owner at the address on file with the Mesa County, Colorado Assessor.
 - (2) At the applicant's cost, the Director shall also give notice to each person who attended any required neighborhood meeting.
 - (3) Mailed notice shall state the date, time and place of the hearing, a general description of the proposal, the location of the project, a statement explaining that any person will be heard at the public hearing and other such requirements. Newspaper clippings of the published notice shall not be used for mailed notice. Notice shall be delivered by first class U.S. mail.
- d. **Property Sign.** When required by Table 2.3, the applicant shall post approved signs giving notice of the application. The applicant shall post at least one (1) sign on each street frontage of the property at least ten (10) calendar days before the initial public hearing. The applicant shall maintain the sign(s) on the property until the day after the final public hearing.
- e. **Combined Notice.** If a project requires action on several permits at the same hearing, the Director may provide for a single, combined notice.
- f. **Substantial Compliance.** Notice is sufficient if there is complete substantial compliance with the requirements of this Section. For example, minor errors in the words of the notice, or in the number of signs on a property (where multiple signs are required) will not invalidate the notice. On the other hand, the requirements of the number of days of notice, the general type of notice for the correct time, date and place of a hearing, and the location of the property must be completely correct. If a question arises, the decision making body shall decide if adequate notice was given.

Table 2.3
PUBLIC HEARING NOTICE PROVISIONS

Type of Submittal or Request	Published Notice When Published ¹ (minimum calendar days before hearing)	Mailed Notice First Class Mail ²	Sign Notice Required ^{3, 4}
Growth Plan Map Amendment	7 Days	Owners within 500 ft. ⁵	Yes ⁵
Growth Plan Text Amendment	7 Days	Not Applicable	No
Subdivision Preliminary Plat	7 days	Owners within 500 ft.	Yes
Planned Development ODP	7 days 7 days	Owners within 500 ft. Owners within 500 ft.	Yes Yes
Rezoning & Map Amendment	7 days	Owners within 500 ft. ⁵	Yes ⁵
Code Text Amendment	7 days	Not Applicable	No
Zoning of Annexation	7 days	Owners within 500 ft. ⁵	Yes ⁵
	7 days	Owners within 500 ft.	Yes
Historic Preservation	7 days	Not Applicable	No
Variance – ZBOA	7 days	Owners within 500 ft.	Yes
Variance – Council	Not Applicable	Not Applicable	No
	7 days	Owners within 500 ft. Including Utilities	Yes
Grand Valley Circulation Plan Amendment	7 days	Not Applicable	No
Revocable Permit	Not Applicable	Not Applicable	No
Institutional & Civic Facility Master Plans	7 days	Owners within 500 feet	Yes

Type of Submittal or Request	Published Notice When Published ¹ (minimum calendar days before hearing)	Mailed Notice First Class Mail ²	Sign Notice Required ^{3, 4}
Vested Rights	Once within 10 days of approval	Not Applicable	No
<p>Footnotes:</p> <p>¹ All published notice shall be published in a local newspaper of general circulation recognized by the City.</p> <p>² All mailed notice must be postmarked no less than ten (10) days before a Public Hearing and must include each homeowner's associations (HOAs) or other group registered with the Community Development Department within 1,000 feet.</p> <p>³ Signs must be posted at least ten (10) calendar days before the initial Public Hearing and remain posted until the day after the final hearing.</p> <p>⁴ One (1) sign per street frontage is required for zones of annexation of multiple parcels.</p> <p>⁵ Mailed Notice and Sign Posting is not required for Growth Plan map amendments, rezonings, or zoning of annexations for requests relating to more than five percent (5%) of the area of the City and/or related to a Citywide or area plan process.</p>			

7. **Request for a continuance prior to hearing.**
 - a. An applicant shall have the right to one (1) continuance before the Planning Commission, Zoning Board of Appeals or City Council, only if a written request is filed with the City Clerk at least five (5) business days before the hearing.
 - 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. The applicant shall reimburse the City and provide all materials necessary to provide written notice of the rescheduled public hearing date to surrounding property owners in the same manner and with the same time schedule as the original date.
 - c. The review body shall grant one (1) continuance to a time, place and date certain, without taking any testimony, except pertaining to the adequacy of the notice.
8. **Withdrawal of Application.** Before a hearing on an application is opened, the applicant may request in writing that the application be withdrawn. Fees will not be refunded. An applicant may ask to withdraw after the hearing is opened, but the decision making body will decide whether or not to approve the request.
9. **Public Hearing Procedures.**

- a. **Timing.** The Director shall schedule an application for hearing only when all issues have been resolved and a determination of compliance with all codes and regulations is made.
 - b. **Applicant's Option.** An applicant has the right to request a hearing at any time during the review process.
 - c. **Conduct of Hearing.**
 - (1) Any person may offer relevant information in writing or in person. Every speaker representing one (1) or more other persons shall state his/her name, street address, and if an organization or group, the name and mailing address of the organization or group.
 - (2) The Director's written report and recommendations should be available three (3) calendar days before the public hearing.
 - (3) 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.
 - (4) No person shall knowingly make a false statement nor present false, deceptive or slanderous testimony, comment or remarks at a public hearing.
 - c. d. **Continuance.** The decision making body may grant a continuance to:
 - (1) Increase the efficiency of the development review process;
 - (2) Reassess a design or a position;
 - (3) Reconsider an application; and/or
 - (4) Obtain coordinated and harmonious development.
 - d.e. **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.
10. **Decision-Making.** The decision making body shall make decisions based on policies, standards, plans, recommendations, the applicable law, the testimony and information presented at the hearing.
- a. **Authority to Condition Development Approvals.** The decision making body may impose conditions to protect the neighborhood, implement this Code and other rules and regulations and ensure compliance with any applicable policy or requirement.
- Planning Commission as Recommending Body to City Council.** If the Planning Commission is the recommending body pursuant to Table 2.1, recommendations shall be forwarded to the City Council.
11. **Scope of Action.** The review body may take any action regarding the application that is consistent with notice, including approval with conditions or denial. The reviewing body may allow the applicant to amend the application if the amendment reduces the project density or FAR, reduces the impact of the project, or the amount of land involved in the project.

12. **Post-Decision Proceedings.**
 - a. **Rehearing.** Any aggrieved person, including the Director and the Director of Public Works and Utilities may request a rehearing, (Section 2.18) or file an appeal of a final action (Section 2.18).
 - b. **Amendments and Revisions to Approval.**
 - (1) The Director may approve corrections and revisions he deems to be minor to an approved application, in writing, subject to appeal to the decision-maker. A minor revision is one necessary in light of technical considerations that does not substantively change the character of the development approval.
 - (2) The Director must give five (5) days notice of such corrections by posting at City Clerk agenda board.
13. **Validity.**
 - a. **Noncompliance.** Upon a finding that any of the following conditions exist, all activities taken pursuant to such 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 development application, the time shall be presumed to be one (1) year from the date of approval; or
 - (3) The applicant fails to fulfill any promise made in writing or at any public hearing.
 - b. **Extension Procedures.**
 - (1) Considerations. Development approval deadline or a development phasing schedule may be set for greater than one (1) year, but not more than ten (10) years by the decision-making body. 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. The decision making body shall consider when deciding to extend or change any deadlines if development regulations materially changed so as to render the project inconsistent with the regulations prevailing at the time the extension would expire.
 - (2) Requests. A request to extend any deadline shall be submitted in writing to the Director prior to the expiration of the original approval or deadline.
14. **Continued Compliance.** The owner of property which has been developed shall maintain the property and all infrastructure in order to remain in substantial compliance with all approved plans and conditions of approval. Failure to remain in substantial compliance, including the replacement of dead or diseased plants shall constitute a violation of this Code.
15. **Revocation of Permit or Approval.**

- a. Director Duties. If the Director determines there are one (1) or more reasons to revoke a development permit or approval, he/she shall set a hearing before the decision-maker. If the Director made the planning clearance decision, then the Zoning Board of Appeals shall conduct the hearing. If the City Council decided, it may refer the proposed revocation to the Planning Commission for a recommendation hearing.
 - b. Notice and Hearing. Notice and hearings for a revocation are the same as for the original application.
 - c. Decision and Appeals. A decision to revoke a Development permit shall become final fourteen (14) calendar days after the date the decision is rendered, unless appealed. After such effective date of revocation, any activities continuing pursuant to such permit shall be deemed to be in violation of the Code.
 - d. Right Cumulative. The Director's right to revoke any approval, development permit, or other privilege or right, shall be cumulative to any other remedy.
16. **City Initiated Requests.** The City Manager, any Department Director or City Council may apply for a Development permit on behalf of the City, without payment of fees.

2.4 GROWTH PLAN CONSISTENCY REVIEW

- A. **Purpose.** Because the Growth Plan and accompanying Future Land Use Map (the "Plan" or "Plan and Map") are comprehensive, complex documents, it is important that a formal consistency review process be provided to determine if a Development proposal is appropriate and consistent with the plan and map.
- B. **Applicability.** An Applicant, the Director, City Planning Commission, County Planning Commission or City Council may request a formal consistency review for any proposed project.
 1. **Jurisdiction.** Authority for determining consistency will be governed by geographic location:
 - a. Within the City limits, the City solely may interpret for Plan consistency; and
 - b. Outside of the City limits, but within the Urban Growth Area, consistency shall be determined jointly by the City and County pursuant to the intergovernmental agreement #MCA dated April 12, 1999.
 2. **Concurrent Review.** The plan consistency review process should be processed at the same time as related development requests (*e.g.*, rezoning and subdivisions).
- C. **Review Criteria.** The reviewing entity may find that:
 1. The proposed development is consistent with all applicable portions of the plan, or the overall intent of the plan if two (2) or more of the applicable portions of the plan appear to conflict; or
 2. The proposed development is inconsistent with one (1) or more applicable portions of the plan, or the overall intent of the plan if two (2) or more of the applicable portions of the plan appear to conflict.

D. **Decision-Maker.**

1. **Areas Outside of City.** For all plan consistency review requests relating to property located outside of the City but within the Joint Urban Planning Area which is not expected to be then annexed and is not currently subject to an annexation petition, the Director and County staff shall recommend and the City and County Planning Commissions separately shall make a determination of consistency. A finding of consistency by both Planning Commissions shall be required for a project to be deemed consistent with the Plan. Such Planning Commissions' decision is final and may not be appealed under this Code.
2. **Areas Inside of City.** For plan consistency review requests related to property within the City, or which is expected to be annexed, the Director and City Planning Commission shall recommend and the City Council shall take final action.
3. **Finding of Inconsistency.** If the finding is that the proposal is inconsistent with the plan, development may not proceed until either the plan is amended, or the proposed development is changed so that it is consistent with the plan, or both.

E. **Application and Review Procedures.** Procedures are in Table 2.1 and Section 2.3.B, with the following modifications:

1. Based on the location of the property, plan consistency review requests shall first be referred to the applicable jurisdiction for consideration consistent with the respective administrative policies of each, the Persigo Agreement, this Code, and other adopted plans and agreements.
2. **Application Requirements.** Consistency review requests shall be considered concurrently with all related development requests. To request such a review the applicant shall, at a minimum, provide a written statement describing the project's consistency with the Future Land Use Map and the applicable goals and policies contained in the text of the Growth Plan. If the applicant believes there are conflicts between the text and the map or within the text itself, he shall provide a written rationale as to which of the items in conflict best suits the overall intent and purpose of the plan.
3. **Hearing.** Where action by the City and the County is required for a particular request, the Director will attempt to arrange a joint hearing of City and County Planning Commissions, although such joint hearings are not required. If a joint hearing is held, the chairpersons shall jointly determine how to conduct such a hearing, although each commission shall vote separately.
4. **Timing.** If the City and County take separate, then the action of the first party shall control if thirty (30) calendar days pass without the action of the other.

2.5 GROWTH PLAN AMENDMENT (GPA)

- A. **Purpose.** In order to maintain internal consistency within the Growth Plan, consistency determinations and proposed amendments to the Growth Plan and Future Land Use Map must be consistent with the stated purposes, goals and policies included in the plan.
- B. **Applicability.** All proposed amendments to the text of the Growth Plan or Future

Land Use Map shall comply with the provisions of this Section 2.5. Any proposed Development that is inconsistent with any goals or policies of the Growth Plan or Future Land Use Map shall first receive approval of a Growth Plan amendment.

1. **Jurisdiction.** For property within the City limits or which will be annexed, the City shall decide if the plan should be changed. Together, the City and the County shall decide questions of amending the plan for property that is outside the City and will not then be annexed, but within the Urban Growth Area (UGA) and for all text amendments.
 2. **Concurrent Review.** A Growth Plan Amendment request shall not be considered concurrently with any other development review process.
- C. **Review Criteria.** The City and County shall amend the plan if each finds that the amendment is consistent with the purpose and intent of the plan and if:
1. There was an error such that then existing facts, projects, or trends (that were reasonably foreseeable) were not accounted for;
 2. Subsequent events have invalidated the original premises and findings;
 3. The character and/or condition of the area have changed enough that the amendment is acceptable and such changes were not anticipated and are not consistent with the plan;
 4. The change is consistent with the goals and policies of the plan, including applicable special area, neighborhood and corridor plans;
 5. Public and community facilities are adequate to serve the type and scope of land use proposed;
 6. 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
 7. The community or area, as defined by the presiding body, will derive benefits from the proposed amendment.
- D. **Decision-Maker.**
1. **Outside of City.** The City and County Planning Commissions shall consider requests concerning property located outside of the City, but within the Urban Growth Area (UGA), which will not be then annexed. The City Planning Commission is the City's final action and may not be appealed. Affirmative action by both Commissions is required for an amendment.
 2. **Inside of City.** Concerning property within the City, or which will be annexed, the Director and City Planning Commission shall recommend and the City Council's action is the City's final action.
 3. **Failure of Amendment.** If an amendment request fails, any pending Development application must be changed to be consistent with the plan.
- E. **Application requirements and processing procedures** are in Table 2.1 and Section 2.3.B, except:
1. **Deadlines.**
 - a. Map amendments and all text amendments shall be processed two (2) times per year according to a schedule adopted by the Director.
 - b. Extraordinary Amendments. For property within the City, the City Council may authorize an extraordinary review if the failure to provide immediate review would mean: a public loss of some sort; some inability to meet City goals or polices, such as economic development,

redevelopment, infill development, affordable housing; or significant diminution of property value or significant increase in expense to an owner.

2. **Application Requirements.**

- a. **Minimum Requirements.** In making a request for a plan amendment the applicant shall address each of the criteria provided in this Section.
- b. **Optional Materials.** In addition to the required written descriptions, justifications and responses, the City Council, Planning Commission or staff may request additional documents, reports, studies, plans and drawings as deemed necessary to fully evaluate the request. The Applicant may submit additional relevant materials.

3. **Notice.**

- a. **Property Sign.** Signs giving notice are not required for text amendment requests, nor for map amendments initiated by the City as a Citywide or area plan process or requests relating to more than five percent (5%) of the area of the City.
- b. **Mailed Notice.** A mailed notice is not required for a map amendment request relating to more than five percent (5%) of the area of the City and/or related to a Citywide or area plan process, or for text amendment requests; however, the Director shall give notice in an advertisement in a local newspaper of general circulation. (Section 2.3.B.6)

4. **Hearing.** If action by the City and the County is required, the Director will attempt to arrange a joint meeting of City and County Planning Commissions, although such joint meetings are not required. If a joint hearing is held, the chairpersons shall jointly determine how to conduct such a hearing. Each commission shall vote separately.

5. **Timing.** If both the City and County should act and thirty (30) calendar days have passed without action by the second party, the decision of the first party shall control.

2.6 CODE AMENDMENT AND REZONING

A. **Approval Criteria.** In order to maintain internal consistency between this Code and the Zoning Maps, map amendments must only occur if:

1. The existing zoning was in error at the time of adoption;
2. There has been a change of character in the neighborhood due to installation of public facilities, other zone changes, new growth trends, deterioration, development transitions, *etc.* and such changes were not anticipated and are not consistent with the plan;
3. The proposed rezone is compatible with the neighborhood and will not create adverse impacts such as: capacity or safety of the street network, parking problems, storm water or drainage problems, water, air or noise pollution, excessive nighttime lighting, or other nuisances;
4. The proposal conforms with and furthers the goals and policies of the Growth Plan, other adopted plans and policies, the requirements of this Code, and other City regulations and guidelines;

5. Adequate public facilities and services are available or will be made available concurrent with the projected impacts of the proposed development;
 6. There is not an adequate supply of land available in the neighborhood and surrounding area to accommodate the zoning and community needs; and
 7. The community or neighborhood will benefit from the proposed zone.
- B. **Decision-Maker.**
1. The Director and Planning Commission shall make recommendations and the City Council shall make the final decision. Either the Planning Commission or the City Council may add additional property to be considered for a zoning change if such additional property is identified in the notice, in accordance with Section 2.3.B.6.
- C. **Application and Review Procedures.** Application requirements and processing procedures are in Table 2.1 and Section 2.3.B except:
1. **Text Amendment.** An application for an amendment to the text of this Code shall address in writing the reasons for the proposed amendment.
 2. **Notice.**
 - a. **Property Sign.** Notice signs are not required for a rezoning request initiated by the City as a City-wide or area plan process, nor for a text amendment.
 - b. **Mailed Notice** is not required for a rezoning request relating to more than five percent (5%) of the area of the City and/or related to a City-wide or area plan process, nor for any text amendment request. The Director shall give notice in a local newspaper of general circulation (Section 2.3.B.6).

2.7 CONCEPT PLAN

- A. **Purpose.** The concept plan review is an optional process that provides an applicant with a general, nonbinding reaction from the Planning Commission prior to submittal of a development application.
- B. An applicant can get a concept plan review for any development that requires Planning Commission approval.
- C. **Decision-Maker.** Planning Commission members should react, comment, question, critique and give direction to assist the applicant with preparing a subsequent application for a development permit. Such comments should not be taken as an indication of how the members may vote on any subsequent application for a development permit. To keep the concept plan informal, the Planning Commission shall not vote on any portion of the concept plan.
- D. **Application and Review Procedures** are in Table 2.1 and Section 2.3.B except:
 1. **Staff Review, Report and Recommendations.** While he may, the Director is not required to review the plan, nor must he circulate the plan to other agencies, nor is he required to produce a report or make recommendations.
 2. **Notice.** Notice is not required, but will be given if requested by the applicant.

2.8 SUBDIVISIONS

- A. **Purpose.** No person shall record a plat of a subdivision nor prepare or execute any documents which purports to create or creates a new parcel, 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. The purpose of this Section 2.8 is to:

1. Ensure conformance with the Growth Plan and other adopted plans including all corridor design guidelines;
2. Assist orderly, efficient and integrated development;
3. Promote the health, safety, and welfare of the residents of the City;
4. Ensure conformance of land subdivision plans with the public improvement plans of the City, County and State;
5. Ensure coordination of the public improvement plans and programs of the several area governmental entities;
6. Encourage well-planned and well-built subdivisions by establishing minimal standards for design and improvement;
7. Improve land survey monuments and records by establishing minimal standards for survey and plats;
8. Safeguard the interests of the public, the homeowner, and the subdivider;
9. Secure equitable handling of all subdivision plans by providing uniform procedures and standards;
10. Ensure that pedestrian and bicycle paths and trails are extended in accordance with applicable City plans;
11. Preserve natural vegetation and cover, and to promote the natural beauty of the City;
12. Prevent and control erosion, sedimentation, and other pollution of surface and subsurface water;
13. Prevent flood damage to persons and properties;
14. Restrict building in areas poorly suited for building or construction;
15. Prevent loss and injury from landslides, mudflows, and other geologic hazards;
16. Ensure adequate public facilities and services are available or will be available concurrent with the projected impacts of the subdivision; and
17. Ensure the proposal will not impose hardship or substantial inconvenience to nearby landowners or residents.

B. Preliminary Plat.

1. **Applicability.** The preliminary plat provides general graphic information and text indicating property boundaries, easements, land use, streets, utilities, drainage, open space, parks and other information required to evaluate a proposed subdivision. A preliminary plat shall be required for every subdivision except as otherwise provided for herein.
2. **Review Criteria.** A preliminary plat will not be approved unless the applicant proves compliance with the purpose portion of this Section and with all of the following criteria:
 - a. The preliminary plat will be in conformance with the Growth Plan, Grand Valley Circulation Plan, Urban Trails Plan and other adopted plans;
 - c. The Subdivision standards in Chapter Six;
 - dc. The Zoning standards in Chapter Three;

- ed. Other standards and requirements of this Code and other City policies and regulations;
- fe. Adequate public facilities and services will be available concurrent with the subdivision;
- gf. The project will have little or no adverse or negative impacts upon the natural or social environment;
- hg. Compatibility with existing and proposed development on adjacent properties;
- ih. Adjacent agricultural property and land uses will not be harmed;
- ji. Is neither piecemeal development nor premature development of agricultural land or other unique areas;
- k. j. There is adequate land to dedicate for provision of public services; and
- lk. This project will not cause an undue burden on the City for maintenance or improvement of land and/or facilities.

- 3. **Decision-Maker.** The Planning Commission is the decision-maker for all applications for preliminary plats.
Application and Review Procedures are in Table 2.1 and Section 2.3.B.a. Application Requirements. In an effort to expedite final plat approval, the applicant may provide more detailed information than is required for preliminary plat review.

- b5. **Validity.** The applicant may propose a development phasing schedule at the time of application for a preliminary plat for consideration by the Planning Commission. In the absence of an approved phasing schedule, preliminary plat approval shall be valid for only one (1) year, during which the applicant shall obtain final plat approval for all or a portion of the property. If a portion of the property in the preliminary plat is final platted within one (1) year, the rest of the preliminary plat shall be automatically renewed for an additional one (1) year following the recording of each final plat, unless the Director notifies the applicant, in writing, to the contrary. The applicant shall plat the entire property included in the preliminary plat within five (5) years of the initial plan approval date. After five (5) years, approval of unplatted portions of the preliminary plat shall be considered void unless an extension is requested and approved by the decision making body.

C. **Final Plat.**

- 1. **Applicability.** The final plat provides detailed graphic information and associated text indicating property boundaries, easements, streets, utilities, drainage, and other information required for the maintenance of public records of the subdivision of land. A final plat shall be required for all subdivisions. The final plat shall conform to the approved preliminary plat. If a minor revision of a preliminary plat is required, the review of the revised preliminary plat may, at the discretion of the Director, proceed concurrently with final plat review.
- 2. **Approval Criteria.** The final plat shall demonstrate compliance with all of the following:
 - a. The same criteria as the preliminary plan in Section 2.8.B; and

- b. The preliminary plat approval and any conditions attached thereto. A portion of the land area within the preliminary plat may be approved for platting.
 3. **Decision-Maker.** The Director shall approve, conditionally approve or deny all applications for a final plat, unless the Planning Commission in its discretion, has required the final plat be returned to them for final action. In such cases, the Director shall provide a recommendation concerning the final plat.
 4. **Application and Review Procedures.** Application requirements and processing procedures shall comply with those described in Table 2.1 and Section 2.2.B, with the following modifications:
 - a. **Review of Covenants.** The City Attorney shall review and approve all covenants and restrictions prior to final plat approval.
 - b. **Notice.** Notice of a final plat 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 a preliminary plat.
 - c. **Form of Final Action.** The form of final approval by the Director shall be the recording of the plat as per Section 2.8.E. If the Planning Commission approves the final then the applicant's surveyor or engineer shall then make any changes necessary or required to comply with final approval conditions. The plat shall then be recorded within one (1) year of action by the Planning Commission or as directed in the approved phasing plan/development schedule.
- D. **Construction Plans.**
1. **Applicability.** Construction plans, based upon the approved final plat and/or site plan and consisting of detailed specifications and diagrams illustrating the location, design and composition of all improvements identified in the final plat phase and required by this Code, shall be submitted to the City for any project that necessitates the construction, reconstruction or modification of new or existing improvements. These documents shall include complete plans and specifications of all required improvements identified and approved as part of the final plat phase. The City shall keep the plans as a permanent record of the required improvements.
 2. **Approval Criteria.** The 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.
 3. **Decision-Maker.** The Director shall approve, conditionally approve or deny all applications for subdivision construction plans.
 4. **Application and Review Procedures.** Application requirements and processing procedures shall comply with those described in Table 2.1 and Section 2.2.B, with the following modifications:
 - a. **Application Requirements.** Construction plans shall be prepared for all subdivision improvements and public improvements for all other developments as required by and in accordance with this Code, the SSID Manual, the TEDS Manual and all other applicable adopted City codes and policies. A completed Development Improvements Agreement (DIA)

for the public improvements and acceptable guarantee is required to be submitted with the construction drawings. As-built plans must be submitted to the Director prior to acceptance of public improvements for City maintenance.

- E. **Recording of Subdivisions.** The Director shall record all final plats and related documents as follows:
1. 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 and one (1) 11" x 17" Mylar reduction; improvements agreements; powers of attorney; easement or right-of-way dedications not shown on the plat; covenants; evidence of incorporation of homeowners association; 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 on the plat shall be in permanent black ink.
 2. 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.
 3. Upon recording the plat, applications for planning clearances and building permits may be submitted in accordance with the provisions of this Code.
 4. If the applicant does not complete all steps in preparation for recording within one (1) year of approval of the final plat, the plat shall require another review and processing as per the final plat processing procedure and shall then meet all the required current Code and regulations at that time. One (1) extension of six (6) months may be granted by the Director.
- F. **Guarantees for Public Improvements.**
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: or
 2. 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 as per Section 2.19.

2.9 CONDOMINIUMS AND LEASE HOLDINGS

- A. **Purpose.** The purpose of this Section 2.9 is the same as that of the major subdivision process.
- B. **Applicability.** The Subdivision of a structure into condominium ownership, consisting of a separate estate in an individual air space unit of a multiunit property together with an undivided interest in common elements, all as defined in Sections 38-33-101 *et seq.*, C.R.S. and 38-33.3-101, *et seq.*, C.R.S. shall be created through this process, which is generally the same as the process for a major subdivision of land. Standards set forth in the Colorado Revised Statutes (C.R.S.) and in this

Section are applied to this type of subdivision to ensure consistency with the City's Growth Plan, adopted codes and policies and to ensure the maintenance and upkeep of common areas for the protection of individual unit owners. This Section also shall apply to leaseholdings if leasehold interest is applying to obtain development rights similar to a platted lot or parcel and the development is separate from the principal parcel from which the leaseholding is created. Nothing herein shall prohibit the creation of leaseholdings outside of this process. Leaseholdings created outside of this process shall not be recognized by the City as being separate lots or parcels with development rights that are separate and apart from those enjoyed by the principal parcel from which the leasehold interest is created.

C. **Approval Criteria.**

1. The condominiumization of a structure shall comply with:
 - a. Sections 38-33-105 and 38-33-106, C.R.S.;
 - b. The approval criteria for a Major Subdivision Preliminary Plan (Section 2.8.B.); and
 - c. The Condominium of individual air space units and limited common elements, as defined in Section 38-33.3-103, C.R.S. and general common elements, as defined in Section 38-33-106, C.R.S. may be constructed or retrofitted with a minimum one-hour fire wall, pursuant to Section 38-33.3-106, C.R.S.
2. The creation of a leaseholding shall meet the same criteria as a simple subdivision as provided in Section 2.2.E.4.

D. **Decision-Maker.** The Director shall make recommendations and the Planning Commission shall approve, conditionally approve, or deny all applications for a Condominium or leaseholding, except the Director shall approve, conditionally approve, or deny all applications for a nonresidential Condominium.

E. **Application and Review Procedures.** The procedures for creation of a condominium are the same as are those required for final plat of a major subdivision with the following modifications:

1. **Preliminary Plan.** Approval of a preliminary plan is not required. An applicant can choose to submit the final condominium plat as the first step in the process. If the project has already been reviewed by the Planning Commission through some other process, such as Preliminary Plan or Conditional Use Permit, the final plat may be reviewed and approved by the Director.
2. **Application Materials.** The applicant shall submit an application and a plat or map to the Director which shall be in conformance with state law, the SSID Manual, and other applicable regulations. Applicants shall demonstrate that a common interest community shall be shown in detail in two (2) dimensions on a plat or in three (3) dimensions on a map, however, a map is required for a common interest community with units having a horizontal boundary. A plat and map may be combined.
3. **Condominium Declarations.** The Condominium Application shall:
 - a. Include a condominium declaration (Sections 38-33-105, 38-33-105.5 and 38-33.3-205, C.R.S.);
 - b. Address the exercise of development rights (Section 38-33.3-210, C.R.S.); and

- c. Include the Unit Owner's Association Bylaws (Section 38-33-106, C.R.S.).
- 4. **Adjustments and Amendments to Condominiums.** The boundary lines shall be amended in accordance with this Section 2.9 and the applicable Sections 38-33-101 *et seq.*, C.R.S. Plats or maps shall be amended or vacated in accordance with this Chapter Two and the applicable Sections 38-33-101 *et seq.*, C.R.S.

2.10 VACATION OF PLATS

- A. **Purpose.** This Section is intended to provide a process for the vacation of plats and subdivisions that are no longer viable and to ensure the vacation will not have any adverse impacts on the applicant or surrounding property owners.
- B. **Applicability.** If a plat has not been developed or has been partially developed and the owner desires to vacate the undeveloped portion thereof, then the owner may apply for a vacation of the plat.
- C. **Approval Criteria.** The vacation of the plat shall conform to all of the following:
 - 1. The Growth Plan, Grand Valley Circulation Plan and other adopted plans and policies of the City;
 - 2. No parcel shall be landlocked as a result of the vacation;
 - 3. 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;
 - 4. 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
 - 5. The provision of adequate public facilities and services shall not be inhibited to any property as required in Chapter Six of this Code.
- D. **Decision-Maker.** The Director shall make recommendations and the Planning Commission shall approve, conditionally approve or deny all applications for a plat vacation. If the plat to be vacated includes right-of-way or easements, the Director and Planning Commission shall make recommendations and the City Council shall approve, conditionally approve or deny all applications for a plat vacation.
- E. **Application and Review Procedures.** The procedures for plat vacations are the same as those required for a major subdivision except that no preliminary plan is required.

2.11 VACATIONS OF PUBLIC RIGHTS-OF-WAY OR EASEMENTS

- A. **Purpose.** The purpose of this Section is to permit the vacation of surplus rights-of-way and/or easements.
- B. **Applicability.** Applications for vacation of any street, alley, easement or other public reservation may be made by the City or by any owner of property on which the street, alley or public reservation lies or adjoins.
- C. **Approval Criteria.** The vacation of the right-of-way or easement shall conform to the following:

1. The Growth Plan, Grand Valley Circulation Plan and other adopted plans and policies of the City;
 2. No parcel shall be landlocked as a result of the vacation;
 3. 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;
 4. 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);
 5. The provision of adequate public facilities and services shall not be inhibited to any property as required in Chapter Six of this Code; and
 6. The proposal shall provide benefits to the City such as reduced maintenance requirements, improved traffic circulation, *etc.*
- D. **Decision-Maker.** The Director and Planning Commission shall make recommendations and the City Council shall approve, conditionally approve or deny all applications for a vacation of a right-of-way or easement.
- E. **Application and Review Procedures.** Application requirements and processing procedures are described in Table 2.1 and Section 2.3.B, with the following modifications:
1. **Recording.** All vacations shall be recorded with the Mesa County Clerk and Recorder.

2.12 PLANNED DEVELOPMENT (PD)

- A. **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 Chapter Three. The PD zone district imposes any and all provisions applicable to the land as stated in the PD zoning ordinance. The purpose of the PD zone is to provide design flexibility as described in Section 5.1. Planned Development rezoning should be used only when long-term community benefits that may be achieved through high quality development will be derived. Long-term community benefits include:
1. More efficient infrastructure;
 2. Reduced traffic demands;
 3. More usable public and/or private open space;
 4. Recreational amenities; and/or
 5. Needed housing choices.
- B. **Outline Development Plan (ODP).**
1. **Applicability.** An Outline Development Plan is an optional, but encouraged first step prior to an application for a preliminary development plan for a parcel of at least twenty (20) acres. The purpose of an ODP is to demonstrate conformance with the Growth Plan, compatibility of land use and coordination of improvements within and among individually platted parcels, sections or phases of a development prior to the approval of a preliminary plan. At ODP, zoning for the entire property or for each “pod” designated for

development on the plan is established. This step is recommended for larger, more diverse projects that are expected to be developed over a long period of time. Through this process, the general pattern of development is established with a range of densities assigned to individual “pods” that will be the subject of future, more detailed planning.

2. **Approval Criteria.** An ODP application shall demonstrate conformance with all of the following:
 - a. The Growth Plan, Grand Valley Circulation Plan and other adopted plans and policies;
 - b. The rezoning criteria provided in Section 2.6;
 - c. The planned development requirements of Chapter Five;
 - d. The applicable corridor guidelines and other overlay districts in Chapter Seven;
 - e. Adequate public services and facilities shall be provided concurrent with the projected impacts of the development;
 - f. Adequate circulation and access shall be provided to serve all development pods/areas to be developed;
 - g. Appropriate screening and buffering of adjacent property and uses shall be provided;
 - h. An appropriate range of density for the entire property or for each development pod/area to be developed;
 - i. An appropriate set of “default” or minimum standards for the entire property or for each development pod/area to be developed;
 - j. An appropriate phasing or development schedule for the entire property or for each development pod/area to be developed; and
 - k. The property is at least twenty (20) acres in size.
 3. **Decision-Maker.** The Director and Planning Commission shall make recommendations and the City Council shall approve, conditionally approve or deny all applications for an ODP and accompanying planned development rezoning.
 4. **Application and Review Procedures.** Application requirements and processing procedures are described in Table 2.1 and Section 2.3.B, with the following modifications:
 - a. **Simultaneous Review of Other Plans.** An applicant may file an ODP with a preliminary development plan or final development plan for a portion of the property, as determined by the Director at the preapplication conference.
 - b. **Validity.** The effective period of the ODP/phasing schedule shall be determined concurrent with ODP approval.
 - c. **Required Subsequent Approvals.** Following approval of an ODP, a preliminary development plan approval and a subsequent final development plan approval shall be required before any development activity can occur.
- C. **Preliminary Development Plan (PDP).**
1. **Applicability.**

- a. **Approved ODP.** If the property has an approved ODP, the purpose of the preliminary development plan is to ensure consistency with the uses, density, bulk, performance and other standards of the approved ODP and PD rezoning ordinance for the specific area included in the preliminary plan. Unless specified otherwise with the ODP, the applicant shall have the option of proposing either a site development plan or a subdivision plan as provided in Chapter Five. The Planning Commission and/or Council may require a site development plan if it is found that a site development plan is necessary to ensure the proposed PD meets the purpose and intent of the ODP approval.
 - b. **No Approved ODP.** If the property has no approved ODP, rezoning of the property to planned development shall occur simultaneously with preliminary development plan review. The purpose of the process is to answer the question, "Should this use, with this specific density, designed in this particular manner, be constructed on this site?" In designing the plan, the applicant shall have the option of proposing either a site development plan or a subdivision plan as provided in Chapter Five. The Planning Commission and/or Council may require a site development plan if it is found that a site development plan is necessary to ensure the proposed PD meets the purposes and intent of the Growth Plan and this Code.
2. **Review Criteria.** A preliminary development plan application shall demonstrate conformance with all of the following:
 - a. The ODP review criteria in Section 2.12.B;
 - b. The applicable preliminary plat criteria in Section 2.8.B;
 - c. The applicable site plan review criteria in Section 2.2.D.4;
 - d. The approved ODP, if applicable;
 - e. The approved PD rezoning ordinance, if adopted with an ODP;
 - f. An appropriate, specific density for all areas included in the preliminary plan approval; and
 - g. The area of the plan is at least five (5) acres in size or as specified in an applicable approved ODP.
3. **Decision-Maker.**
 - a. **Approved ODP.** If the property has an approved ODP, the Director shall make recommendations and the Planning Commission shall approve, conditionally approve or deny all applications for a preliminary development plan.
 - b. **No Approved ODP.** If the property does not have an approved ODP, the Director and Planning Commission shall make recommendations and the City Council shall approve, conditionally approve or deny all applications for a preliminary development plan and accompanying planned development rezoning.
4. **Application and Review Procedures.** Application requirements and processing procedures are described in Table 2.1 and Section 2.3.B, with the following modifications:

- a. **Required Concurrent Review of Subdivision.** A preliminary plat shall be submitted and reviewed concurrently with a preliminary development plan.
 - b. **Density/Intensity Transfer.** If the property has an approved ODP, density may not be transferred between development pods/areas to be developed unless explicitly provided for with the ODP approval or by amending the ODP in the same manner as originally approved.
 - c. **Validity.** The effective period of the preliminary development plan shall be as determined by the ODP approval, if applicable, or at the time of preliminary development plan approval.
 - d. **Required Subsequent Approvals.** Following approval of a preliminary development plan, final development plan approval shall be required before any development activity can occur.
- D. **Final Development Plan (FDP)**
- 1. **Applicability.** The final development plan and final subdivision plat act as the literal blueprint for development of a PD project. The plan and the plat ensure consistency with the approved preliminary development plan and specific development and construction requirements of various adopted codes.
 - 2. **Review Criteria.** A final development plan application shall demonstrate conformance with all of the following:
 - a. The approved ODP, if applicable;
 - b. The approved preliminary development plan;
 - c. The approved preliminary plat;
 - d. The approved PD rezoning ordinance, if applicable;
 - e. The SSID, TEDS and SWMM manuals and all other applicable development and construction codes, ordinances and policies;
 - f. The applicable site plan review criteria in Section 2.2.D.4; and
 - g. The applicable preliminary plat criteria in Section 2.8.B.
 - 3. **Decision-Maker.** The Director shall approve, conditionally approve, or deny all applications for a final development plan unless the Planning Commission in its discretion required the final plan be returned to it for final action. In such cases, the Director shall provide a recommendation to the Planning Commission concerning the final plan.
 - 4. **Application and Review Procedures.** Application requirements and processing procedures shall comply with those described in Table 2.1 and Section 2.2.B, with the following modifications:
 - a. **Required Concurrent Review of Subdivision.** Unless specified otherwise at the time of preliminary plan approval, if the form of preliminary plan approval was a site development plan, a final plat shall be submitted and reviewed concurrently with a final development plan; if the form of preliminary plan approval was a subdivision plan, a final plat may be approved and recorded prior to final plan approval for individual lots.
 - b. **Review of covenants.** The City Attorney shall review and approve all covenants and restrictions prior to final Development plan approval.

- c. **Notice.** 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 a preliminary development plan.
- d. **Form of Final Action.** The form of final approval by the Director shall be the recording of the plan. If the Planning Commission approves the final development plan then the surveyor or engineer shall make any changes necessary or required to comply with final approval conditions. The plan shall then be recorded within six (6) months of action by the Planning Commission or as directed in the approved phasing plan.
- e. **Recording.** Upon final approval, the plan and plat shall be recorded in accordance with Section 2.8.E. The final plat shall, at a minimum, contain all of the following information that is pertinent to the PD: the bulk standards; a list of approved and/or specifically excluded uses; and any pertinent conditions or stipulations that were previously made or imposed. The ordinance creating the PD shall become effective upon recording of the plat.

E. Guarantees for Public Improvements.

- 1. 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 Section 2.8.D; or
- 2. 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 Section 2.19.

F. Amendments to Approved Plans.

- 1. **Planned Development Rezoning Ordinance.** The use, density, bulk performance and default 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 and/or preliminary development plan, as applicable, provided the overall density and FAR 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 may be transferred between development pods/areas to be developed through an amendment to the ODP and/or preliminary development plan, as applicable, provided the overall density for the entire PD is not exceeded; and

- c. The bulk, performance and default standards may not be amended for the entire PD or an entire development pod/area to be developed without amending the PD rezoning ordinance through the rezoning process. The bulk default standards may be varied on individual lots within the PD through an amendment to the preliminary development plan.
2. **Outline Development Plan.** The approved outline development plan may be amended only by the same process by which it was approved, unless the adopted PD rezoning ordinance provides otherwise. All subsequent preliminary development plans and final development plans must be consistent with the approved outline development plan and rezoning ordinance.
3. **Preliminary Development Plan.** Unless the adopted PD rezoning ordinance provides otherwise, the approved preliminary development plan may be amended as follows:
 - a. **Minor Amendments.** The Director may approve the following amendments for individual lots within the area covered by a preliminary 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) Increases in gross floor area of up to ten percent (10%) 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; and
 - (5) theThe reorientation, but not complete relocation, of major structures so long as the character of the site is maintained.
 - (6) Simple Subdivision.
 - b. **Major Amendments Applicable to Only One (1) Lot.** Any change not listed above as a minor amendment to an individual lot shall be deemed a major amendment. Such amendments shall be reviewed by the Planning Commission using the same process as the preliminary development plan but with the following review criteria:
 - (1) Only the bulk or performance standards may be varied;
 - (2) The applicable variance review criteria in Section 2.16; and
 - (3) The amendment shall not represent a significant change in any of the agreed upon deviations from the default standards.
 - c. **Major Amendments Applicable to More Than One (1) Lot.** All other amendments to the preliminary development plan shall be reviewed by the Planning Commission using the same process and criteria used for Preliminary Plan review and approval.

4. **Final Development Plan.** Amendments to the final development plan may be approved by the Director using the same process and criteria used for preliminary development plan review and approval.
- G. **Lapse of Plan and Rezone.** If a Planned Development, or any portion thereof, has not been completed in accordance with the approved development schedule, a "lapse" shall have occurred and the terms of all approved plans for incomplete portions of the PD shall be null and void. If lapse occurs, the property 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, if he deems it appropriate, initiate, without owner consent, a zoning change on a lapsed PD to another zone district.
- H. **General Provisions.**
 1. **Contractual Agreement.** 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. 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. Each subsequent owner and entity created by the Developer, such as property owner's 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.
 2. **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.
 3. **Planned Development Zone Designation.** The Director shall designate each approved PD on the Official Zoning Map.

2.13 CONDITIONAL USE PERMITS (CUPs)

- A. **Purpose.** The purpose of a conditional use review is to provide an opportunity to utilize property for an activity which under usual circumstances could be detrimental to other permitted uses, and which normally is not permitted within the same district. 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 and one that is otherwise prohibited without approval of a conditional use permit.
- B. **Applicability.** A conditional use permit shall be required prior to the establishment of any conditional use identified in Chapters Three and Four or elsewhere in this Code.

- C. **Review Criteria.** The Application shall demonstrate that the proposed development will comply with the following:
1. **Site Plan Review Standards.** All applicable site plan review criteria in Section 2.2.D.4 and conformance with SSID, TEDS and SWMM Manuals;
 2. **District Standards.** The underlying zoning districts standards established in Chapter Three;
 3. **Specific Standards.** The use-specific standards established in Chapters Three and Four;
 4. **Availability of Complementary Uses.** Other uses complementary to, and supportive of, the proposed project shall be available including, but not limited to: schools, parks, hospitals, business and commercial facilities, and transportation facilities.
 5. **Compatibility with Adjoining Properties.** Compatibility with and protection of neighboring properties through measures such as:
 - a. **Protection of Privacy.** The proposed plan shall provide reasonable visual and auditory privacy for all dwelling units located within and adjacent to the site. Fences, walls, barriers and/or vegetation shall be arranged to protect and enhance the property and to enhance the privacy of on-site and neighboring occupants;
 - b. **Protection of Use and Enjoyment.** All elements of the proposed plan shall be designed and arranged to have a minimal negative impact on the use and enjoyment of adjoining property.
 - c. **Compatible Design and Integration.** All elements of a plan shall coexist in a harmonious manner with nearby existing and anticipated development. Elements to consider include; buildings, outdoor storage areas and equipment, utility structures, building and paving coverage, landscaping, lighting, glare, dust, signage, views, noise, and odors. The plan must ensure that noxious emissions and conditions not typical of land uses in the same zoning district will be effectively confined so as not to be injurious or detrimental to nearby properties.
- D. **Decision-Maker.** The Director shall make recommendations and the Planning Commission shall approve, conditionally approve or deny all applications for a conditional use permit.
- E. **Application and Review Procedures.** Application requirements and processing procedures are described in Table 2.1 and Section 2.3.B.
- 1F. **Validity.** Once established, a conditional use permit approval shall run with the land and remain valid until the property changes use or the use is abandoned and nonoperational for a period of twelve (12) consecutive months.

2.14 ANNEXATIONS

- A. **Purpose.** In accordance with state statutes, land may be annexed or de-annexed from the City as deemed appropriate by the City Council.
- B. **Applicability.** Any lands to be added to or deleted from the corporate limits of the City shall comply with this Section 2.14.

- C. **Review Criteria.** The application shall meet all applicable statutory and City administrative requirements. A complete copy of these requirements is available from the Community Development Department.
- D. **Decision-Maker.** The Director shall make recommendations and the City Council shall approve, conditionally approve or disapprove all applications for annexation or contraction of the municipal limits.
- E. **Application and Review Procedures.** Application requirements and processing procedures shall comply with those described in applicable state statutes. A summary of these procedures is available from the Community Development Department.
- F. **Zoning of Annexed Properties.** Land annexed to the City shall be zoned in accordance with Section 2.6 to a district that is consistent with the adopted Growth Plan or consistent with existing County zoning.

2.15 VESTED PROPERTY RIGHTS

- A. **Purpose.** The purpose of this Section 2.15 is to provide the procedures necessary to implement the provisions of Sections 24-68-101, *et seq.* and 29-20-101 *et seq.*, C.R.S.
- B. **Definitions.** The following definitions are for the purposes of administration of this Section 2.15 only and do not apply to any other Sections of this Code.
 - 1. "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 Sections 24-68-101, *et seq.*, C.R.S. 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.
 - 2. "Vested Property Right" means the right to undertake and complete the development and use of property under the terms and conditions of a SSDP.
- C. **Applicability.** An Applicant may request, in writing to have property rights vest with a SSDP. The SSDP shall be applicable only to:
 - 1. propertyProperty zoned Planned Development with the approved Final Development Plan constituting the SSDP, or
 - 2. anyAny 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. stateState 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.
- D. **Approval Criteria.** The application shall demonstrate compliance with all of the following:

theThe provisions stated in Sections 24-68-101 *et seq.*, C.R.S.; and
theThe more stringent of the Final Development Plan review criteria of Section
2.12.D.2 or any other specific document/application review criteria that the
Planning Commission shall determine to be applicable.

- E. **Decision-Maker.** The Director and Planning Commission shall make recommendations and the City Council shall approve, conditionally approve or deny all applications for vested property rights.
- F. **Application and Review Procedures.** Application requirements and processing procedures are described in Table 2.1 and Section 2.3.B, with the following modifications:
1. **Waiver prior to Annexation.** Any landowner requesting annexation shall waive in writing any preexisting vested property rights in the petition for annexation, when such rights are consistent with ordinances or regulations which are general in nature and are applicable to property subject to land use regulation. An owner may consent in writing to waive any prior vested property rights.
 2. **Concurrent Review.** 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 Planning Commission shall determine, at its discretion, constitutes a site specific development plan.
 3. **Payment of Costs.** 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.
 4. **Notice of Approval.** 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, *et seq.* C.R.S." Omission of this statement shall invalidate the creation of the vested property right. In addition, the applicant shall, within 14 calendar days after the approval of the SSDP, satisfy the notice requirements of Section 24-68-103(1), C.R.S. by publishing at his 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.
 5. **Notice to City.** Within fourteen (14) calendar days after the approval of a SSDP, the applicant shall acknowledge by written instrument that he confirms his obligation to satisfy all other requirements under the City Codes, rules and regulations including, but not limited to, all studies that may be required. Such studies may concern traffic, drainage, erosion control and utilities.
 6. **Other Provisions Unaffected.** 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.
 7. 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 and shall be reverted in accordance with Section 2.12 of this Code.

8. **Approval, Effective Date, Amendments.** A SSDP shall be deemed approved upon the last action by the City Council relating thereto. 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.
9. **Waiver of Vesting.** 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.
9. 10. **Limitations.** Nothing in this Section 2.15 is intended to create any vested property right, but only to implement the provisions of Sections 24- 68-101, *et seq.* C.R.S. and Sections 29-20-101, *et seq.* C.R.S. In the event of the repeal of said Article or a judicial determination that said Article is invalid or unconstitutional, this Section 2.15 shall be deemed to be repealed, and the provisions hereof no longer effective.

2.16 VARIANCES

- A. **Purpose.** A variance is a departure from the dimensional or numerical requirements of this Code where such variance will not be contrary to the public interest and where, owing to conditions peculiar to the property and not as a result of the action of the applicant, a literal enforcement of this Code would result in unnecessary and undue hardship. Variances are permitted only to those portions of this Code as specified herein.
- B. **Applicability.**
 1. The Director may approve variances of up to ten percent (10%) of any bulk requirement. Requests for variances to the bulk, standards that are greater than ten percent (10%) and variances to the performance or use-specific standards of Chapter Four, all overlay district regulations of Chapter Seven, excluding corridor overlay districts, and the sign regulations of Chapter Four shall be heard by the Zoning Board of Appeals. Planning Commission shall hear variances to all other standards, unless otherwise specified.
 2. Variances shall not be heard or granted for:
 - a. The establishment or expansion of a use in a district in which such use is not permitted by this Code;
 - b. Residential development which would result in an increase in density greater than that permitted in the applicable zoning district; and
 - c. Changes or modifications to any definition contained in this Code.
- C. **Approval Criteria.**
 1. **Minor Deviation.**
 - a. The Director may permit up to a ten percent (10%) deviation from any bulk standard upon a finding of compliance with the criteria of this Section 2.16. The purpose of this process is to permit inconsequential

deviations from the zoning district bulk standards that are created through construction errors or where additions to existing structures are desirable but cannot be accommodated through a strict application of the bulk standards.

- b. A property may receive approval of a minor deviation to only one (1) bulk standard for the life of the structure. A contractor seeking relief for a construction error may receive approval of a minor deviation only once every three (3) years. All other requests shall be processed as variances as per this Section 2.16. Minor deviation shall be granted only when the applicant establishes that all of the following criteria are satisfied.
 - (1) **Additions.** Requests for a minor deviation to accommodate an addition to an existing structure shall comply with all of the following:
 - (A) Conforming locations for the addition are impractical, significantly more expensive or have a significant adverse impact on the site plan in terms of overall site design or relationships between site plan elements including, but not limited to, structures, patios, driveways and landscaping;
 - (B) The location of the addition represents a logical extension of the existing floor plan in terms of function and design;
 - (C) The location of the addition does not result in the creation of unsafe conditions or create circulation conflicts;
 - (D) The exterior design of the addition represents a logical extension of the existing structure and is consistent with the design of the existing structure;
 - (E) Site and structural design elements of the addition shall be considered. Such elements include, but are not limited to:
 - (F) (i) Height of the addition relative to neighboring structures;
 - (ii) The location, number and size of windows, doors, porches, balconies and outdoor lights;
 - (iii) The location of patios and walkways;
 - (iv) The location, size and types of hedges, walls and fences; and
 - (v) The level of privacy to occupants of both neighboring properties and the addition. Such privacy shall be equal to or greater than that provided if the addition were located within the required setback;
 - (F) The addition complies with all building, fire and other adopted codes and policies;
 - (G) The requested deviation is only ten percent (10%) or less of a single bulk standard; and
 - (H) The deviation shall not result in physical encroachment into an easement, right-of-way or neighboring property.

- (2) **Construction Errors.** Requests for a minor deviation to accommodate a construction error shall comply with all of the following:
 - (A) All of the criteria applicable to additions;
 - (B) The error shall have been inadvertent; and
 - (C) The contractor responsible for the error shall not have been the recipient of another approved minor deviation in the past three (3) years.
2. **Decision-Maker.** The Director shall approve, approve with conditions or deny all requests for a minor deviation. Appeals from the Director shall be processed as a variance using the procedures provided in Section 2.16, but with the review criteria provided herein.
3. **Application and Review Procedures.** Application requirements and processing procedures are described in Table 2.1 and Section 2.2.B, with the following modification:
 - a. **Consistency with Covenants.** The applicant shall provide proof that the requested minor deviation does not conflict with any recorded covenants applicable to the property, or demonstrate in writing that the entity responsible for enforcing the covenants has approved the requested deviation. In the event there is no single entity responsible for enforcing the covenants, and the requested minor deviation does not conform to the covenants, the Applicant shall provide a written statement acknowledging the inconsistency and that he shall indemnify and hold the City harmless for any action, damages claims or suits brought in the event the minor deviation is approved.
4. **Variance Requests from Bulk, Performance, Use-Specific and Other Standards.** A variance is not a right. It may be granted to an applicant only if the applicant establishes that strict adherence to the Code will result in practical difficulties or unnecessary hardships because of site characteristics that are not applicable to most properties in the same zoning district. The following criteria shall be used to consider variances from the bulk, performance and use-specific standards contained in Chapter Four, and any other standard in this Code for which specific variance criteria is not provided. Such variances shall be granted only when the applicant establishes that all of the following criteria are satisfied:
 - a. **Hardship Unique to Property, Not Self-Inflicted.** 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. **Special Privilege.** The variance shall not confer on the applicant any special privilege that is denied to other lands or structures in the same zoning district;
 - c. **Literal Interpretation.** The literal interpretation of the provisions of the regulations would deprive the applicant of rights commonly enjoyed

- by other properties in the same zoning district and would work unnecessary and undue hardship on the applicant;
- d. **Reasonable Use.** The applicant and the owner of the property cannot derive a reasonable use of the property without the requested variance;
 - e. **Minimum Necessary.** The variance is the minimum necessary to make possible the reasonable use of land or structures;
 - f. **Compatible with Adjacent Properties.** The variance will not be injurious to, or reduce the value of, the adjacent properties or improvements or be detrimental to the public health, safety or welfare. In granting a variance, the Board may impose conditions deemed necessary to protect affected property owners and to protect the intent of this Code. The Board may consider prospective financial loss or gain to applicant but consideration thereof shall not be sole reason for granting a variance;
 - g. **Conformance with the Purposes of this Code.** The granting of a variance shall not conflict with the purposes and intents expressed or implied in this Code; and
 - h. **Conformance with the Growth Plan.** The granting of a variance shall not conflict with the goals and principles in the City's Growth Plan.
5. **Variance from Sign Regulations.** A variance may be granted from the provisions or requirements of the sign regulations only if the applicant establishes that all of the following criteria are satisfied:
- a. **Undue and Unnecessary Hardship.** The literal interpretation and strict applications of the sign regulations would cause undue and unnecessary hardship to the sign owner because of unique or unusual conditions pertaining to the specific building or property in question;
 - b. **Not Contrary to Property Values.** The granting of a variance would not be materially detrimental to the property owners in the vicinity;
 - c. **Hardship Unique to Property, Not Self-Imposed.** The unusual conditions applying to the specific property do not apply generally to other properties in the City; and
 - d. **Conformance with Character of Area, Corridor Plans.** The granting of a variance shall not be contrary to the goals and objectives of any applicable corridor overlay district or to the general objective of moderating the size, number, and obtrusive placement of signs and the reduction of clutter.
6. **Variance from Floodplain, Geologic and Wildfire Hazard Regulations (Hazards).** A variance may be granted from the requirements of the overlay district provisions of Chapter Seven, except the corridor overlay districts, only after consideration is given to all technical evaluations, all relevant factors, the standards specified in applicable Sections of this Code, and:
- a. The danger that materials or fire may be swept onto other lands to the injury of others;
 - b. The danger to life and property due to the presence of hazardous condition;

- c. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owners;
- d. The importance of the services provided by the proposed facility to the community;
- e. The necessity of the facility to a waterfront location, where applicable;
- f. The availability of alternative locations for the proposed use which are not subject to hazards;
- g. The compatibility of the proposed use with the existing and anticipated development;
- h. The relationship of the proposed use to the Growth Plan and floodplain management program for that area;
- i. The safety of access to the property in times of flood for ordinary and emergency vehicles;
- j. The expected heights, velocity, duration, rate of rise and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site; and
- k. The costs of providing governmental services during and after hazard conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, streets and bridges.

7. **Limitations on Floodplain Variances.**

- a. Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.
- b. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
- c. Variances shall only be issued upon:
 - (1) A showing of good and sufficient cause;
 - (2) A determination that failure to grant the variance would result in exceptional hardship to the applicant; and
 - (3) A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expenses, create nuisances, cause fraud on or victimization of the public or conflict with existing local laws or ordinances.
- d. Any applicant to whom a variance is granted shall be given written notice that the structure shall be permitted to be built with a lowest floor below the base flood elevation and that the cost of flood insurance will be commensurate with the increased risk from the reduced lowest floor elevation.

D. **Decision-Maker.** The Director shall make recommendations and the Zoning Board of Appeals shall approve, approve with conditions or deny requests for variances to the bulk, performance or Use-specific standards of Chapter Four, all overlay district regulations of Chapter Seven, excluding corridor overlay districts, and the sign regulations of Chapter Four. Unless otherwise specified, requests for variances to all other standards shall be approved, approved with conditions or denied by Planning Commission, upon a recommendation from the Director.

- E. **Application and Review Procedures.** Application requirements and processing procedures are described in Table 2.1 and Section 2.3.B.

2.17 REVOCABLE PERMIT

- A. **Purpose.** A revocable permit is needed to ensure that any private development on public land is safely conducted in a manner that does not pose potential burdens on the public.
- B. **Applicability.** No structure, fence, sign or other permanent object shall be constructed, maintained, or erected, or a public right-of-way used, without a revocable permit. A revocable permit for irrigation and landscaping in the rights-of-way can be reviewed and approved at the staff level.
- C. **Approval Criteria.** Applications for a revocable permit shall demonstrate compliance with all of the following:
 - 1. There will be benefits derived by the community or area by granting the proposed revocable permit;
 - 2. There is a community need for the private development use proposed for the City property;
 - 3. The City property is suitable for the proposed uses and no other uses or conflicting uses are anticipated for the property;
 - 4. The proposed use shall be compatible with the adjacent land uses;
 - 5. The proposed use shall not negatively impact access, traffic circulation, neighborhood stability or character, sensitive areas such as floodplains or natural hazard areas;
 - 6. The proposed use is in conformance with and in furtherance of the implementation of the goals, objectives and policies of the Growth Plan, other adopted plans and the policies, intents and requirements of this Code and other City policies; and
 - 7. The application complies with the submittal requirements as set forth in the Section 127 of the City Charter, this Chapter Two and the SSID Manual.
- D. **Decision-Maker.** The Director shall make recommendations and the City Council shall approve, conditionally approve, or deny all applications for a revocable permit.
- E. **Application and Review Procedures.** Application requirements and processing procedures are described in Table 2.1 and Section 2.3.B.

2.18 REHEARING AND APPEALS

- A. **Purpose.** The purpose of Section 2.18 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.
- B. **Appeal of Director's Interpretations.** 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 may request an appeal of the interpretation in accordance with Section 2.18.
 - 1. **Approval Criteria.** 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.
2. **Decision-Maker.** The Zoning Board of Appeals shall affirm, reverse or remand the decision. In reversing or remanding the interpretation back to the Director, the Board shall state the rationale for its decision.
 3. **Application and Review Procedures.** Application requirements and processing procedures are described in Table 2.1 and Section 2.3.B, with the following deviations:
 - a. **Application Materials.** The appellant shall provide a written statement citing the specific provision(s) of this Code that the appellant believes the Director has incorrectly interpreted and the appellant's interpretation of the provision(s).
 - b. **Notice.** Notice of the hearing is not required to anyone other than the appellant.
 - c. **Director's Report.** The Director shall prepare a report detailing the specific provision(s) of this Code that are in question, his interpretation of the provision(s), and the general basis of the interpretation.
- C. **Appeal of Final Action on Administrative Development Permits.** 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 development permit, may request an appeal of the action in accordance with Table 2.1 and Section 2.18.C.
1. **Approval Criteria.** In granting an appeal of an administrative development permit, the appellate body shall find that the Director:
 - a. Acted in a manner inconsistent with the provisions of this Code or other applicable local, state or federal law; or
 - b. Made erroneous findings of fact based on the evidence and testimony on the record; or
 - c. Failed to fully consider mitigating measures or revisions offered by the applicant that would have brought the proposed project into compliance; or
 - d. Acted arbitrarily, acted capriciously and/or abused his discretion.
 2. **Decision-Maker.** The appellate body for a particular administrative development permit shall be as specified in Table 2.1. The appellate body shall affirm, reverse or remand the decision. In reversing or remanding a decision, the appellate body shall state the rationale for its decision. An affirmative vote of four (4) members of the appellate body shall be required to reverse the Director's action.
 3. **Application and Review Procedures.** Requests for an appeal shall be submitted to the Director in accordance with the following:
 - a. **Application Materials.** The appellant shall provide a written request that explains the rationale of the appeal based on the criteria provided in Section 2.18.C.1.
 - b. **Notice to Applicant.** If the appellant is not the applicant, the Director, within five (5) working days of receipt of the request for appeal, shall notify the applicant of the request and the applicant shall have ten (10) working days to provide a written response.
 - c. **Preparation of the Record.** The Director shall compile all material made

a part of the record of the Director's action. As may be requested by the appellate body, the Director also may provide a written report.

- d. Notice. No notice of the appeal is required.
 - e. Conduct of Hearing. The appellate body shall hold a evidentiary hearing to determine whether the Director's action is in accordance with the criteria provided in Section 2.18.C.1. The appellate body may limit testimony and other evidence to that contained in the record at the time the Director took final action or place other limits on testimony and evidence as it deems appropriate.
- D. **Rehearing.** Any person, including any officer or agent of the City, aggrieved by or claimed to be aggrieved by a decision or final action of the Zoning Board of Appeals, Planning Commission or City Council may request a rehearing in accordance with Section 2.18.D. A rehearing does not have to be requested in order to perfect an appeal.
1. **Approval Criteria.** In granting a request for a rehearing, the decision-maker shall:
 - a. Find that the person requesting the rehearing was present at the original hearing or otherwise on the official record concerning the development application;
 - b. Find that the rehearing was requested in a timely manner as; and
 - c. Find that in making its decision, the decision-maker may have failed to consider or misunderstood pertinent facts in the record or that information crucial to the decision was not made available at or prior to the decision being made.
 2. **Decision-Maker.** A motion to grant a rehearing may be made only by a member of the decision-making body that voted in the majority of the decision requested to be reheard. Any other member may second the motion. If no motion is made or dies for lack of second, the request shall be considered to be denied.
 3. **Application and Review Procedures.** Requests for a rehearing shall be submitted to the Director in accordance with the following:
 - a. Application Materials. The person desiring the rehearing shall provide a written request that specifically identifies the pertinent facts in the hearing record that he/she asserts that the decision-maker failed to consider or misunderstood and/or describes the information that was not made available at or prior to the decision. The person shall submit evidence of his/her attendance at the original hearing or other testimony or correspondence from him/her that was in the official record at the time of the original hearing.
 - b. Application Fees. The appropriate fee, as may be approved by the City Council, shall be submitted with the request.
 - c. Application Deadline. A request for a rehearing shall be submitted within ten (10) calendar days of the action taken by the decision-maker.
 - d. Notice to Applicant. If the person requesting the rehearing is not the applicant, the Director, within five (5) working days of receipt of the request for rehearing, shall notify the applicant of the request and the

- e. applicant shall have ten (10) working days to provide a written response. Hearing. The Director shall schedule the rehearing request within forty-five (45) calendar days of receipt of a complete request.
- f. Notice. Notice of the request for rehearing shall be provided in the same manner as was required with the original action as shall notice for the rehearing itself if one is granted.
- g. Conduct of Hearing. The decision-maker shall first decide whether to grant a rehearing. At its discretion, the decision-maker may permit limited testimony as to the nature of and grounds for the rehearing request itself before making this decision. If a rehearing is granted, the rehearing shall be scheduled within forty-five (45) calendar days of the decision. The conduct of the rehearing shall be the same as that required for the original hearing.
- h. Status of Appeal. If a rehearing is not granted, only the person requesting the rehearing shall have five (5) working days to file an appeal of the original decision. If a rehearing is granted, a new appeal period for any aggrieved party shall begin at the time a decision is made at the rehearing, even if the decision is the same as that made originally.

E. **Appeal of Action on Nonadministrative Development Permits.** 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 may appeal the action in accordance with Table 2.1 and Section 2.18.E.

1. **Approval Criteria.**

- a. Findings. In granting an Appeal to action on a nonadministrative development permit, 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 (1) 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. The appellate body shall also find that the appellant requested a rehearing before the decision-maker in accordance with Section 2.18.D.

2. **Facts on Record.** 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. 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.

3. **Decision-Maker.** The appellate body for a particular development permit shall be as specified on Table 2.1. The appellate body shall affirm, reverse or remand the decision. 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 (4) members of the appellate body shall be required to reverse the decision-maker's action. An affirmative vote of five (5) members of the appellate body shall be required to approve rezones and Growth Plan Amendment(s).
 4. **Application and Review Procedures.** Requests for an appeal shall be submitted to the Director in accordance with the following:
 - a. **Application Materials.** The appellant shall provide a written request that explains the rationale of the appeal based on the criteria provided in Section 2.18.E.1. The appellant also shall submit evidence of his/her attendance at the original hearing or other testimony or correspondence from him/her that was in the official record at the time of the original hearing.
 - b. **Application Fees.** The appropriate fee, as may be approved by the City Council, shall be submitted with the request.
 - c. **Application Deadline.** A request for an appeal shall be submitted within ten (10) calendar days of the action taken by the decision-maker.
 - d. **Notice to Applicant.** If the appellant is not the applicant, the Director, within five (5) working days of receipt of the request for appeal, shall notify the applicant of the request and the applicant shall have ten (10) working days to review the request and provide a written response.
 - e. **Preparation of the Record.** The Director shall 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.
 - f. **Notice.** Notice of the appeal hearing shall be provided in the same manner as was required with the original action.
 - g. **Hearing.** The Director shall schedule the Appeal before the appellate body within forty-five (45) calendar days of receipt of the appeal. The appellate body shall hold a hearing and render a decision within thirty (30) calendar days of the close of that hearing.
 - h. **Conduct of Hearing.** 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.
- F. **Planning Commission Recommendation to City Council.** All recommendations, including recommendations of denial, which the Planning Commission makes to the City Council (i.e., the Planning Commission is not the final decision-maker) shall be heard by the City Council without necessity of Appeal. The applicant may

withdraw in writing an application that has been heard by the Planning Commission and recommended for denial. Such hearings shall be de novo before the Council. Supermajority and other procedural requirements provided elsewhere in this Code shall be applicable.

2.19 DEVELOPMENT IMPROVEMENTS AGREEMENTS (DIAs)

A. Development Improvements Agreement Authorized.

1. 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.

B. Agreement to Run with the Land.

1. 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 DIA's may, at the Director's discretion, be recorded or deposited with the City Clerk. All existing lienholders shall be required to subordinate their liens to the guarantees contained in the DIA.

C. Performance Security.

1. 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 or a letter of credit or disbursement agreement from an authorized financial institution, or a completed, unrecorded plat.
2. The guarantee shall be in an amount estimated by the Director of Public Works as reflecting 120 percent (120%) 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.
3. 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.
4. The issuer of any guarantee shall be subject to the approval of the City in accordance with adopted policies.

D. **Maintenance Bond for DIA.**

1. The applicant shall guarantee the improvements against defects in workmanship and materials for a period of one (1) year from the date of City acceptance of such improvements. The maintenance guarantee shall be secured by a letter of credit, cash escrow or other form acceptable to the Director in an amount reflecting twenty percent (20%) of the cost of the completed improvements.
2. To guarantee and warrant required improvements which have been addressed by a DIA, the City may require the owner to continue or extend the security, or post new security, in an amount equal to the estimated costs of repair, replacement or warranty work, plus twenty percent (20%).
3. 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 fifty percent (50%) of the cost of the required improvements.

E. **Offers to Dedicate Streets, Roads, and other Lands.**

1. **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(s) irrevocable warranty that such owner has the right, title and interest to convey to the City and that no hazardous or other regulated substance are present on, under or in the property.
2. **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(s) unless it explicitly agrees to do so in writing.

F. **Temporary Improvements.**

1. 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.

G. **Completion of Improvements.**

1. **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 (1) 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 (1) additional year.

2. **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.
 3. **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.
- H. **Extension of Development Improvements Agreement and Security.**
1. If the applicant is unable to complete all required improvements contained in an executed Development Improvements Agreement within the time stated therein, he shall provide written notice of same to the Director at least thirty (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 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.
 2. 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 (120%), 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.

2.20 INSTITUTIONAL AND CIVIC FACILITY MASTER PLANS

- A. **Purpose.** The purpose of a Master Plan review process 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 Master Plan review allows the City, through a public process, to assess any impacts early in the review process and direct the applicant on how best to address the impacts.
- B. **Applicability.** A Master Plan shall be required for any institutional and/or civic use,

as that term is defined in Chapter Three, Table 3.5, when such project: consists of multiple phases of construction and when constructed will include 100,000 square feet in one (1) or more buildings; will result in significant modification of the existing transportation circulation patterns; and/or when the Director deems the project and/or the City would benefit from such a review.

- C. **Review Criteria.** In reviewing a Master Plan, the decision-making body shall consider the following:
1. Conformance with the Growth Plan and other are, corridor or neighborhood plans;
 2. Conformance with the Grand Valley Circulation Plan and general transportation planning requirements;
 3. Compatibility with the surrounding neighborhood in terms of capacity of safety of the street network, site access, adequate parking, adequate storm water and drainage improvements, minimization of water, air or noise pollution, limited nighttime lighting and adequate screening and buffering potential;
 4. Adequacy of public facilities and services; and
 5. Community benefits from the proposal.
- D. **Decision-Maker.** The Director and Planning Commission shall make recommendations and the City Council shall approve, conditionally approve or deny a Master Plan.
- E. **Application and Review Procedures.** The application and processing procedures shall be as follows:
1. The review of a Master Plan shall precede, or be concurrent with, any other required review process.
 2. The content of the 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 storm water management;
 - e. General building location and size; and
 - f. Adequate screening and buffering.
 3. A General Meeting shall be required.
 4. A Neighborhood Meeting is mandatory.
 5. Required notice shall include public notice in the newspaper, mailed notice and sign posting notice.
- F. **Validity.** The Master Plan shall be valid for a minimum of five (5) years unless otherwise established by the decision-maker. All phases of projects being developed shall be in conformance with the approved plan. Amendments to the Master Plan may be proposed at any time through the regular Master Plan review process. An amended Master Plan is required if significant changes are proposed. Generally, significant changes are anything not deemed to be minor amendments as defined in Section 2.12.F.3.a.

CHAPTER THREE

ZONING

The substantive changes to Chapter Three are found here. (Spelling changes not shown here.)

3.3 RESIDENTIAL ZONING DISTRICTS

A. RSF-R: Residential Single Family - Rural

1. **Purpose.** To provide areas for low intensity agricultural operations and very low density single family uses in a rural setting. This district is appropriate where low-density development is desired or where terrain and/or lack of public facilities and services require low intensity development or a sense of openness is desired. RSF-R zoning implements the *Rural and Estate* future land use classification of the GROWTH PLAN.
2. **Authorized Uses.** Table 3.5 lists the authorized uses in the RSF-R district.
1. **Intensity/Density.** Subject to the density bonus provisions of this Code, and other development standards of this Code, the following density provisions shall apply:
 - a. Maximum gross density shall not exceed one (1) dwelling per five (5) acres (*i.e.* 0.2 dwelling unit per acre);
 - b. Minimum lot size shall be five (5) acres, except as provided in the cluster provisions; and
 - c. Density shall also conform with the minimum and maximum densities identified in the Growth Plan.
2. **Sewer and Roads.** Only the City Council may waive the requirements that each structure be served by the Persigo sewer system. Rural road standards may apply.

RSF-R Summary

Primary Uses	Detached Single-Family, Agricultural, Institutional & Civic
Max. Density	1 unit/5 acres (cluster allowed)

B. RSF-E: Residential Single-Family – Estate

1. **Purpose.** To provide areas for low density, estate-type single-family residential development on lots of at least two (2) acres in size, RSF-E zoning implements the *Residential Low, Estate & Rural* future land use classifications of the GROWTH PLAN.

RSF-E Summary	
Primary Uses	Detached Single-Family, Civic
Max. Density	1 unit/2 acres (cluster allowed)

2. **Authorized Uses.** Table 3.5 lists the uses authorized in the RSF-E District.
3. **Intensity/Density.** Subject to the density bonus provisions of this Code, and other development standards in this Code, the following density provisions shall apply:
 - a. Maximum gross density shall not exceed one (1) dwelling per two (2) acres (i.e., 0.5 dwelling units per acre);
 - b. Minimum lot size shall be two (2) acres, except as provided in Section 6.7.D.5 cluster provisions; and
 - c. Density shall also conform with the minimum and maximum densities identified in the Growth Plan.
4. **Sewer and Roads.** Only the City Council may waive the requirements that each structure be seweried by the Persigo sewer system. Rural road standards may apply.

C. RSF-1: Residential Single Family - 1

1. **Purpose.** To provide areas for low density residential uses in less intensely developed areas. RSF-1 tracts should abut or be in close proximity to existing large lot single family development, making RSF-1 an appropriate transition district between rural and higher

RSF-1 Summary	
Primary Uses	Detached Single-Family, Civic
Max. Density	1 unit/acre (cluster allowed)

density areas. This District implements the *Residential/Low Density* future land use classification of the GROWTH PLAN.

2. **Authorized Uses.** Table 3.5 lists the uses authorized in the RSF-1 District.
3. **Intensity/Density.** Subject to the density bonus provisions of this Code, and other development standards in this Code, the following density provisions shall apply:
 - a. Maximum gross density shall not exceed one (1) dwelling per acre;
 - b. Minimum lot size shall be one (1) acre, except as provided in the cluster provisions; and
 - c. Density shall also conform with the minimum and maximum densities identified in the Growth Plan.

D. RSF-2: Residential Single Family - 2

1. **Purpose.** To provide areas for medium-low density, single-family residential uses where adequate public facilities and services exist. RSF-2 zoning implements the *Residential Low Density* and *Residential Medium Low Density* future land use classifications of the GROWTH PLAN.

2. **Authorized Uses.** Table 3.5 lists the uses authorized in the RSF-2 District.

3. **Intensity/Density.** Subject to the density bonus provisions of this Code, and other development standards in this Code, the following density provisions shall apply:

- a. Maximum gross density shall not exceed two (2) dwellings per acre;
- b. Minimum lot size shall be 17,000 square feet, except as provided in the cluster provisions; and
- c. Density shall also conform with the minimum and maximum densities identified in the Growth Plan.

4. **Performance Standards.** No attached dwelling shall be constructed on a lot originally platted and zoned for detached dwellings unless a Conditional Use Permit has been issued.

RSF-2 Summary	
Primary Uses	Detached/Attached Single-Family, Civic
Max. Density	2 units/acre (cluster allowed)

E. RSF-4: Residential Single Family - 4

Purpose. To provide for medium-low density single family uses where adequate public facilities and services are available. Duplex dwellings may be allowed under special conditions. RSF-4 implements the *Residential Medium-Low and Medium Density* future land use classifications of the GROWTH PLAN.

RSF-4 Summary	
Primary Uses	Detached/Attached Single-Family, Duplex, Civic
Max. Density	4 units/acre (cluster allowed)
Min. Density	2 units/acre

Authorized Uses. Table 3.5 lists the authorized uses in the RSF-4 District.

3. **Intensity/Density.** Subject to the density bonus provisions of this Code, and other development standards in this Code, the following density provisions shall apply:
 - a. Maximum gross density shall not exceed four (4) dwellings per acre;
 - b. Minimum lot size shall be 8,000 square feet, except as provided in the cluster provisions;
 - c. Minimum net density shall not be less than two (2) dwellings per acre; and
 - d. Density shall also conform with the minimum and maximum densities identified in the Growth Plan.
4. **Performance Standards.** Development shall conform to the standards established in this Code.
 - a. In a RSF-4 district, a duplex may be built only on a corner lot and then only if:
 - (1) The minimum lot size is 15,000 square feet;
 - (2) The garage of each unit fronts on a different street;
 - (3) The main entry of each unit fronts on a different street;
 - (4) The gross density of the subdivision shall not exceed four (4) dwellings per acre;
 - (5) The streets are classified as local streets or a local street and a residential collector; and
 - (6) Driveway locations must be in accordance with TEDS.
 - b. No attached dwelling or duplex shall be constructed on a lot originally platted and zoned for detached dwellings unless a Conditional Use Permit has been issued.

F. **RMF-5: Residential Multi Family – 5**

1. **Purpose.** To provide for medium density detached and attached dwellings, duplexes and townhouses in areas where large-lot development is discouraged and adequate public facilities and services are available. RMF-5 supports the GROWTH PLAN’S principles of concentrating urban growth and reinforcing existing community centers. A mix of dwelling types is allowed in this district. This district implements the *Residential Medium Density* future land use classification of the GROWTH PLAN.

RMF-5 Summary	
Primary Uses	Attached and Detached Single-Family, Duplex, Townhouse, Civic
Max. Density	5 units/acre (cluster allowed)
Min. Density	2 units/acre

2. **Authorized Uses.** Table 3.5 lists the authorized uses in the RMF-5 District.
3. **Intensity/Density.** Subject to the density bonus provisions of this Code, and other development standards in this Code, the following density provisions shall apply:
- a. Maximum gross density shall not exceed five (5) dwellings per acre;
 - b. Minimum lot size shall be 6,500 square feet for the first dwelling unit plus 5,000 square feet for each additional unit on the same lot, except as provided in the cluster provisions;
 - c. Minimum net density shall not be less than two (2) dwellings per acre; and
 - d. Density shall also conform with the minimum and maximum densities identified in the Growth Plan.
4. **Performance Standards.** No attached dwelling shall be constructed on a lot originally platted and zoned for detached dwellings unless a Conditional Use Permit has been issued.

G. RMF-8: Residential Multi-Family - 8

1. **Purpose.** To provide for medium-high density attached and detached dwellings, duplexes, townhouses and multi-family units. RMF-8 is a transitional district between lower density single family districts and higher density multi-family or business development. A mix of dwelling types is allowed in this district. RMF-8 implements the *Residential Medium and Medium-High Density* future Land Use classifications of the GROWTH PLAN.

RMF-8 Summary	
Primary Uses	Attached and Detached Single-Family, Duplex, Townhouse, Multifamily Civic
Max. Density	8 units/acre
Min. Density	4 units/acre

2. **Authorized Uses.** Table 3.5 lists the authorized uses in the RMF-8 District.

3. **Intensity/Density.** Subject to the density bonus provisions of this Code, and other development standards in this Code, the following density provisions shall apply:

- a. Maximum gross density shall not exceed eight (8) dwellings per acre;
- b. Minimum lot size shall be 4,500 square feet for an initial dwelling unit plus 4,000 square feet for each additional unit on the same lot;
- c. Minimum net density shall not be less than four (4) dwellings per acre; and
- d. densityDensity shall also conform with the minimum and maximum densities identified in the Growth Plan.

4. **Performance Standards.**

- a. No attached unit shall be constructed on a lot originally platted and zoned for detached dwellings unless a Conditional Use Permit has been issued.
- b. For the purpose of calculating density on parcels smaller than five (5) acres, one-half (1/2) 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.

H. RMF-12: Residential Multi-Family - 12

1.Purpose. To provide for high density development allowing several types of residential units within specified densities. RMF-12 may serve as a transitional district between single family and trade districts. This district is intended to allow a mix of residential unit types and densities to provide a balance of housing opportunities in a neighborhood. RMF-12 implements the *Residential Medium High and High Density* future land use classifications of the GROWTH PLAN. This zone may be appropriate in lower density areas if used as a part of a mixed density development.

RMF-12 Summary	
Primary Uses	Attached and Detached Single-Family, Duplex, Townhouse, Multi-Family, Civic
Max. Density	12 units/acre
Min. Density	8 units/acre

2.Authorized Uses. Table 3.5 lists the authorized uses in the RMF-12 District.

3.Intensity/Density. Subject to the density bonus provisions of this Code, and other development standards in this Code, the following density provisions shall apply:

- a. Maximum gross density shall not exceed twelve (12) dwellings per acre;
- b. Minimum lot size shall be 4,000 square feet for an initial dwelling unit, plus 2,000 square feet for each additional unit on the same lot;
- c. Minimum net density shall not be less than eight (8) dwellings per acre; and
- d. Density shall also conform with the minimum and maximum densities identified in the Growth Plan.

4. Performance Standards.

- a. For purpose of calculating density on parcels smaller than five (5) acres, one-half (1/2) of the land area of all adjoining rights-of-way may be included in the gross lot area.
- b. The area of the right-of-way shall not be included to determine compliance with the minimum lot area requirements.

I. **RMF-16: Residential Multi-Family - 16**

1. **Purpose.** To provide for high density development allowing several types of residential unit types. RMF-16 may serve as a transitional district between single family and trade zones. This district is intended to allow a mix of residential unit types and densities to provide a balance of housing opportunities in a neighborhood. RMF-16 implements the *Residential Medium High and High Density*

RMF-16 Summary	
Primary Uses	Attached and Detached Single-Family, Duplex, Townhouse, Multi-Family, Civic
Max. Density	16 units/acre
Min. Density	12 units/acre

future land use classification of the GROWTH PLAN. It may be appropriate in lower intensity areas if part of a mixed density development.

2. **Authorized Uses.** Table 3.5 lists the authorized uses in the RMF-16 District.

Intensity/Density. Subject to the density bonus provisions of this Code, and other development standards in this Code, the following density provisions shall apply:

- a. Maximum gross density shall not exceed sixteen (16) dwellings per acre;
- b. Minimum lot size shall be 4,000 square feet for an initial dwelling unit plus 1,500 square feet for each additional unit on the same lot;
- c. Minimum net density shall not be less than twelve (12) dwellings per acre; and
- d. Density shall also conform with the minimum and maximum densities identified in the Growth Plan.

Performance Standards.

- a. For purpose of calculating density on any parcel, one-half (1/2) of the land area of all adjoining rights-of-way shall not be included in the gross lot area.
- b. No right-of-way shall be counted to meet minimum lot area requirements.

J. RMF-24: Residential Multi-Family - 24

1. **Purpose.** To provide for high density residential use. This district allows several types of residential unit types within specified densities. RMF-24 may serve as a transitional district between single family and trade zones. This district is intended to allow a mix of residential unit types and densities to provide a balance of housing opportunities in

RMF-24 Summary	
Primary Uses	Attached and Detached Single-Family, Duplex, Townhouse, Multi-Family, Civic
Max. Density	24 units/acre
Min. Density	16 units/acre

the neighborhood. RMF-24 implements the residential *High Density* future land use classification of the GROWTH PLAN. It may be appropriate in lower intensity areas where it is part of a mixed density development.

2. **Authorized Uses.** Table 3.5 lists the authorized uses in the RMF-24 District.
3. **Intensity/Density.** Subject to the density bonus provisions of this Code, and other development standards in this Code, the following density provisions shall apply:
 - a. Maximum gross density shall not exceed twenty-four (24) dwellings per acre;
 - b. Minimum area required shall be 4,000 square feet for an initial dwelling Unit plus 1,000 square feet for each additional unit on the same lot;
 - c. Minimum net density shall not be less than sixteen (16) dwellings per acre; and
 - d. Density shall also conform with the minimum and maximum densities identified in the Growth Plan.
4. **Performance Standards.**
 - a. For purpose of calculating density on any parcel, one-half (1/2) of the land area of all adjoining rights-of-way shall not be included in the gross lot area.
 - b. No right-of-way shall be counted to meet minimum lot area requirements.

3.4 NONRESIDENTIAL ZONING DISTRICTS

A. RO: Residential Office

1. **Purpose.** To provide low intensity, nonretail, neighborhood service and office uses that are compatible with adjacent residential neighborhoods. Development regulations and performance standards are intended to make buildings compatible and complementary in scale and appearance to a residential environment. RO implements the medium, medium-high and high residential density and *Commercial* future land use classifications of the GROWTH PLAN in transitional corridors between single-family residential and more intensive uses.

RO Summary	
Primary Uses	Professional Offices, Attached and Detached Single Family, Duplex, Townhouse, Multifamily, Civic
Max. Intensity	0.4 FAR, 16 units/acre
Max. Bldg. Size	10,000 sq. ft.
Min. Density	4 units/acre

2. **Authorized Uses.** Table 3.5 lists the authorized uses in the RO District.
3. **Intensity/Density.** Subject to the density bonus provisions of this Code, and other development standards in this Code, the following density provisions shall apply:
 - a. Maximum gross density shall not exceed sixteen (16) dwellings per acre;
 - b. Minimum lot size shall be 5,000 square feet for all nonresidential uses and for an initial dwelling unit plus 1,500 square feet for each additional dwelling on the same lot;
 - c. Nonresidential intensity shall not exceed a floor area ratio (FAR) of 0.4;
 - d. Maximum building size shall not exceed 10,000 square feet, unless a conditional use permit is issued.
 - e. Minimum net density shall not be less than four (4) dwellings per acre if the property is developed exclusively for residential use. Minimum density does not apply to mixed use properties.
4. **RO District Performance Standards.** New construction, including additions and rehabilitations, in the RO district shall be designed to look residential and shall be consistent with existing buildings along a street. “Consistent” means the operational, site design and layout, and architectural considerations described in the next subsections.
5. **Site Design, Layout and Operational Considerations.**
 - a. **Parking.** Business uses in the RO District shall be designed and operated not to increase on-street parking in front of dwellings in the neighborhood. On-site parking shall be provided pursuant to the parking rules. On-site parking spaces shall only be located in the side and rear yards; and screened from adjacent dwellings by a solid wall, fence or vegetation having a height of not less than four feet (4') nor more than six feet (6') [vegetation may exceed six feet (6') in height].

- b. **Service Entrances.** Service entrances, loading areas and dumpster areas shall be located only in the rear or side yard. Each loading area shall be screened from each adjacent residential use or zone.
 - c. **Use of Front Yard.** Front yards shall be reserved for landscaping, sidewalks, driveway access to parking areas and signage.
 - d. **Hours of Business.** No uses in this district shall open earlier than 7:30 AM and shall close no later than 8:00 PM.
 - e. **Outdoor Storage and Display.** Outdoor storage and display areas associated with nonresidential uses are prohibited.
 - f. **Mixed Use.** Any mix of residential and nonresidential uses on the same lot shall be located in the same structure.
 - g. **Outdoor Lighting.** Outdoor lighting shall comply with the lighting provisions in this Code.
6. **Architectural Considerations.**
- a. **Building Alignment along Streets.** Every new building and addition shall be located so that it aligns with existing neighborhood buildings. “Aligns” means elevation (*e.g.*, horizontal lines of peaks of roofs, cornices, window sills) and plan (*e.g.*, setbacks from the street and rear property lines and spacing between structures/setbacks from side property lines).
 - b. **Building Orientation/Style.** Main entrances shall open onto a street and shall align with those of adjacent residential buildings. For example, in many RO areas, raised foundations and steps that define the main entrance are prevailing residential characteristics. Door styles shall be similar to those found on residential dwellings.

- c. **Building Mass/Scale Proportion.** Each new building, its mass in relation to open spaces and its windows, doors, and openings shall be visually compatible. Visually compatible means compatible with adjacent and neighboring buildings including mass, shape, window, doors, openings, roof shape, roof pitch and orientation. For example, a large building shall be compatible with surrounding smaller dwellings by dividing its mass into smaller components to create a building elevation that is more like the size and proportion of the nearby dwellings.
- d. **Height.** New buildings shall have the same number of stories and a height which is compatible with those of nearby dwellings. Two and one-half (2 1/2) stories shall be the maximum subject to maximum height of thirty-five feet (35').
- e. **Roof Shape.** The roofs of new buildings shall be visually compatible with nearby dwellings. Roof pitch shall be at least 4:12.
- f. **Fenestration.** Structures shall be visually compatible with surrounding residential structures. Visually compatible includes the relationship of width to height, and the spacing of windows and doors. For example, tall evenly-spaced rectangular windows are typical of certain residential styles in RO District areas.
- g. **Materials.** The exterior of all new buildings, additions and alterations shall be similar in size and appearance to nearby dwellings. Sign materials should be visually compatible to materials used on the building facade.
- h. **Signage.** See Section 4.2.G.1.d for sign standards in the RO District.

B. B-1: Neighborhood Business

1. **Purpose.** To provide small areas for office and professional services combined with limited retail uses, designed in scale with surrounding residential uses; a balance of residential and nonresidential uses. B-1 implements the residential high density and *commercial* future land use classifications of the GROWTH PLAN.

B-1 Summary	
Primary Uses	Offices, Retail, Services
Max. Intensity	0.5 FAR, 16 units/acre
Max. Bldg. Size	30,000 sq. ft. for office 15,000 sq. ft. for retail
Min. Density	8 units/acre

2. **Authorized Uses.** Table 3.5 lists the authorized uses in the B-1 District.

3. **Intensity/Density.** Subject to the density bonus provisions of this Code and other development standards in this Code, the following intensity and density provisions shall apply:

- a. Minimum lot size shall be 10,000 square feet, except where a continuous commercial center is subdivided with pad sites or other shared facilities;
- b. Nonresidential intensity shall not exceed a floor area ratio (FAR) of 0.5;
- c. Unless a CUP is approved the maximum building size shall not exceed 30,000 square feet for office or any mixed uses, and 15,000 square feet for retail;
- d. Maximum gross density shall not exceed sixteen (16) dwellings per acre, excluding retail and office; and,
- e. Minimum net density shall not be less than eight (8) dwellings per acre if the only uses are residential.

4. **Street Design.** Effective and efficient street design and access shall be considerations in the determination of project/district intensity.

5. **Performance Standards.**

- a. **Location.** B-1 Zones are to be limited to the intersection of any arterial or collector street with another collector or arterial street; however, existing retail and office uses which form an existing center as of the effective date of this Code are allowed as B-1.
- b. **Parking.** Business uses shall be designed and operated so as not to increase on-street parking in front of neighborhood dwellings. On-site parking shall be provided.
- c. **Hours of Business.** No use in this district shall open or accept deliveries earlier than 5:00 AM nor close later than 11:00 PM. "Close" includes no customers on-site, no deliveries and no illumination of signs.
- d. **Service Entrances.** Business service entrances, service yards and loading areas shall be located only in the rear or side yard.
- e. **Mixed Use.** Any mix of residential and nonresidential uses on one (1) lot or parcel shall be located in the same structure.

- f. **Outdoor Storage and Display.** Outdoor storage and permanent displays are prohibited. Portable display of retail merchandise may be permitted as elsewhere provided in this Code.
- g. **Rezone Application.** For the purpose of a rezone application to a B-1 district, the Planning Commission should consider the distance from other commercial and business zoning. New B-1 districts should be located at least eight-tenths (8/10th) of a mile from another business or commercial zone district.

C. **B-2: Downtown Business**

1. **Purpose.** To provide concentrated downtown retail, service, office and mixed uses not including major/regional shopping centers or large outdoor sales areas. The B-2 District promotes the vitality of the Downtown Commercial Core Area as provided by the GROWTH PLAN. Thus, pedestrian circulation is encouraged as are common parking areas. This district implements the *commercial* future land use classification of the GROWTH PLAN.
2. **Authorized Uses.** Table 3.5 lists the authorized Uses in the B-2 District.
3. **Intensity/Density.** Subject to the density bonus provisions of this Code, and other development standards in this Code, the following Intensity/Density provisions shall apply:
 - a. Maximum gross density shall not exceed twenty-four (24) dwellings per acre;
 - b. Nonresidential intensity shall not exceed a floor area ratio (FAR) of 4.0; and
 - c. Minimum net density shall not be less than eight (8) dwellings per acre if the only uses are residential. Minimum density shall not apply to mixed use developments.
4. **General Performance Standards**

Street Design. Effective and efficient street design and access shall be considerations in the determination of project/district intensity.
5. **B-2 Performance Standards.**
 - a. **Landscaping.** Landscaping requirements may be waived by the Director for any property fronting on Main Street, Colorado Avenue or Rood Avenue between 1st Street and 7th Street if street-scaping exists or will be provided in the right-of-way.
 - b. **Service Entrances.** Service entrances, service yards and loading areas shall be located only in the rear or side yard. In a B-2 District a six-foot high solid fence or wall of stone, wood or masonry shall screen: each service yard or area from adjoining single family residential zones and uses which are not separated by a street (not counting an alley or any easement).

B-2 Summary

Primary Uses	Offices, Retail, Civic, Government, Services, Residential
Max. Intensity	4.0 FAR, 24 units/acre
Min. Density	8 units/acre

- c. **Mixed Use.** Mixed Use projects shall not exceed eight (8) dwelling units per acre.
- d. **Outdoor Storage and Display.** Outdoor storage and permanent display areas shall only be allowed in the rear half of the lot, beside or behind the principal structure, except for automotive display lots, which shall require approval of a Conditional Use Permit. Portable display of retail merchandise may be permitted subject to this Code.

D. C-1: Light Commercial

1. **Purpose.** To provide indoor retail, service and office Uses requiring direct or indirect arterial street access, and business and commercial development along arterials. The C-1 District should accommodate well-designed development on sites that provide excellent transportation access, make the most efficient use of existing infrastructure and provide for orderly transitions and buffers between uses. This District implements the *commercial* future land use classification of the GROWTH PLAN.

C-1 Summary	
Primary Uses	Offices, Retail, Services
Max. Intensity	1.0 FAR/ 24 units /acre
Max. Bldg. Size	80,000 sq. ft.
Min. Density	12 units/acre

2. **Authorized Uses.** Table 3.5 lists the authorized uses in the C-1 District.

3. **Intensity/Density.** Subject to the density provision of this Code, and other development standards in this Code, the following Intensity/Density provisions shall apply:

- a. Nonresidential intensity shall not exceed a floor area ratio (FAR) of 1.0;
- b. Minimum lot size shall be 0.5 acre, except where a continuous commercial center is subdivided, with pad sites or other shared facilities;
- c. Maximum building size shall not exceed 80,000 square feet, without a conditional use permit;
- d. Maximum gross density shall not exceed twenty-four (24) dwellings per acre; and
- e. Minimum net density shall not be less than twelve (12) dwellings per acre if the only use is residential, except in a manufactured home park.

4. **General Performance StandardsStreet Design.** Effective and efficient street design and access shall be considerations in the determination of project/district intensity.

5. **C-1 Performance Standards.**

- a. **Service Entrances.** Building entrances to service yard and loading areas shall be located only in the rear and side yard.
- b. **Outdoor Storage and Display.** Outdoor storage and permanent display areas shall only be allowed in the rear half of the lot, beside or behind the principal structure, except for automobile sales lots for which a CUP has been issued. Portable display of retail merchandise may be permitted subject to this Code.

E. C-2: General Commercial

1. **Purpose.** To provide for commercial activities such as repair shops, wholesale businesses, warehousing and retail sales with limited outdoor display of goods and even more limited outdoor operations. The C-2 District is appropriate in locations designated for the *commercial or commercial/industrial* future land use classifications in the GROWTH PLAN.

2. **Authorized Uses.** Table 3.5 lists the authorized uses in the C-2 District.

3. **Intensity.** Subject to the development standards in this Code, the following intensity provisions shall apply:

- a. Nonresidential intensity shall not exceed a floor area ratio (FAR) of 2.0;
- b. Minimum lot size shall be 0.5 acre, except where a continuous commercial center is subdivided, with pad sites or other shared facilities;
- c. Maximum building size shall be 150,000 square feet, unless a Conditional Use Permit is issued.

4. **General Performance Standards Street Design.** Effective and efficient street design and access shall be considerations in the determination of project/district intensity.

5. **C-2 Performance Standards.**

- a. **Rezone.** Rezoning to C-2 shall not be permitted adjacent to any residential single family zone.
- b. **Outdoor Storage and Display.** Outdoor storage and display areas are not allowed within the front yard setback. Permanent and portable display of retail merchandise is permitted.

C-2 Summary	
Primary Uses	General Retail & Services
Max. Intensity	2.0 FAR
Max. Bldg. Size	150,000 sq. ft.

F. I-0: Industrial/Office Park

1. **Purpose.** 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. This District implements the *commercial/industrial* and *industrial* future land use classifications of the GROWTH PLAN.

I-0 Summary	
Primary Uses	Light manufacturing, office, commercial services
Max. Intensity	0.75 FAR
Max. Bldg. Size	250,000 sq. ft.

2. **Authorized Uses.** Table 3.5 lists the authorized uses in the I-O District.
3. **Intensity.** Subject to the development standards in this Code, the following intensity provisions shall apply:
- Nonresidential intensity shall not exceed a floor area ratio (FAR) of 0.75;
 - Minimum lot size shall be one (1) acre, except where a continuous commercial center is subdivided;
 - Maximum building size shall be 250,000 square feet, unless a conditional use permit is issued.
4. **General Performance Standards Street Design.** Effective and efficient street design and access shall be considerations in the determination of project/district intensity.
5. **I-0 Performance Standards.**
- Retail Sale Area.** Areas devoted to retail sales shall not exceed: ten percent (10%) of the gross floor area of the principal structure, and 5,000 square feet on any lot or parcel.
 - Loading Docks.** Loading docks shall be located only in the side or rear yards.
 - Vibration, Smoke, Odor, Noise, Glare, Wastes, Fire Hazards and Hazardous Materials.** No person shall occupy, maintain or allow any use in an I-0 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.

- (1) **Vibration:** Except during construction or as authorized by the City, 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.
- (2) **Noise:** The owner and occupant shall regulate uses and activities on the property so that sound never exceeds sixty-five decibels (65 dB) at any point on the property line.
- (3) **Glare:** lights, spotlights, high temperature processes or otherwise, whether direct or reflected, 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(s). 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 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.
- (6) **Outdoor Storage and Display.** Outdoor storage and permanent display areas shall only be located in the rear half of the lot beside or behind the principal structure. Portable display of retail merchandise may be permitted as provided in Chapter Four.

G. I-1: Light Industrial

1. **Purpose.** To provide for areas of light fabrication, manufacturing and industrial uses which are compatible with existing adjacent land uses, access to transportation and the availability of public services and facilities. I-1 Zones with conflicts between other uses can be minimized with orderly transitions of zones and buffers between uses. This district implements the *commercial/industrial* and *industrial* future land use classifications of the GROWTH PLAN.

I-1 Summary	
Primary Uses	Manufacturing, office, commercial services
Max. Intensity	2.0 FAR
Max. Bldg. Size	150,000 sq. ft.

2. **Authorized Uses.** Table 3.5 lists the authorized uses in the I-1 district.

3. **Intensity.** Subject to the development standards in this Code, the following intensity provisions shall apply:

- a. Nonresidential intensity shall not exceed a floor area ratio (FAR) of 2.0;
- b. Minimum lot size shall be one (1) acre, except where a commercial or industrial center is subdivided with pad sites or other shared facilities;
- c. The maximum building size is 150,000 square feet, unless a conditional use permit is issued.

4. **General Performance StandardsStreet Design.** Effective and efficient street design and access shall be considerations in the determination of project/district intensity.

5. **I-1 Performance Standards.** The performance standards of the I-0 district shall apply in the I-1 district, except that:

- a. Principal and accessory outdoor storage and display areas shall be permitted in accordance with Chapter Four, with the following exceptions:
 - (1) Outdoor storage and displays shall not be allowed in the front yard setback;
 - (2) Screening shall be maintained in the frontage adjacent to arterial and collector streets and along that portion of the frontage on local streets which adjoin any zone except I-1 or I-2;
 - (3) Unless required to buffer from an adjoining district, screening along all other property lines is not required;
 - (4) Screening of dumpsters is not required; and
 - (5) Outdoor storage areas may be established as a principal use without a conditional use permit.

H. **I-2: General Industrial**

1. **Purpose.** To provide areas of heavy and concentrated fabrication, manufacturing and industrial uses which are compatible with adjacent uses, easy semi-tractor trailer access to the state highway system and/or railroads and the availability of public services and facilities. Conflicts between the I-2 District must be minimized with other uses by orderly transitions and buffers between Uses. This District implements the *industrial* future land use classification of the GROWTH PLAN.

I-2 Summary	
Primary Uses	Manufacturing, office, commercial services
Max. Intensity	2.0 FAR

2. **Authorized Uses.** Table 3.5 lists the authorized uses in the I-2 district.
3. **Intensity.** Subject to the development standards in this Code, the following intensity provisions shall apply:
- a. Nonresidential intensity shall not exceed a floor area ratio (FAR) of 2.0; and
 - b. The minimum lot size shall be one (1) acre, except where a commercial or industrial center is subdivided.
4. **General Performance StandardsStreet Design.** Effective and efficient street design and access shall be considerations in the determination of project/district intensity.
5. **I-2 Performance Standards.** The performance standards for the I-1 district shall apply in the I-2 district except that the Director may approve outdoor storage as a principle use without requiring a conditional use permit.

I. CSR: Community Services and Recreation

1. **Purpose.** To provide public and private recreational facilities, schools, fire stations, libraries, fairgrounds, and other public/institutional uses and facilities. The district would include open space areas, to prevent environmental damage to sensitive areas, and to limit development in areas where police or fire protection, protection against flooding by storm water, or other services or utilities are not readily available.

CSR Summary	
Primary Uses	Parks, open space, schools, libraries, recreational facilities.
Max. Intensity	FAR 1.0 for public/Institutional FAR 0.4 for recreation/conservation uses
Max. Bldg. Size	80,000 sq. ft. (except subject to a CUP)

The CSR District would include outdoor recreational facilities, educational facilities, open space corridors, recreational, non-vehicular transportation, environmental areas and would be interconnected with other parks, trails and other recreational facilities. This District implements the *parks, conservation* and *Institutional* land use classifications of the GROWTH PLAN.

2. **Authorized Uses.** Table 3.5 lists the authorized uses in the CSR district.
3. **Intensity/Density.** Subject to the development standards in this Code, the following intensity/density provisions shall apply:
 - a. Nonresidential intensity shall not exceed an FAR of 1.0 for public/institutional uses and 0.4 for recreation/conservation uses;
 - b. Minimum lot size shall be one (1) acre;
 - c. The maximum building size shall be 80,000 square feet unless a conditional use permit is issued; and
 - d. Maximum gross density shall not exceed one (1) dwelling per five (5) acres (*i.e.*, 0.2 dwellings per acre). One (1) caretaker dwelling unit per lot is not counted when calculating maximum density.
4. **CSR Performance Standards.** Development shall conform to the standards established in this Code.
 - a. **Outdoor Storage.** Outdoor storage areas shall comply with the standards in Chapter Four, except that those associated with extractive uses, in which case no screening shall be required for an extractive use unless required by Chapters Four or Six in order to buffer from neighborhood uses or zones.

J. M-U: Mixed Use

1. **Purpose.** To provide for a mix of light manufacturing and office park employment centers, limited retail, service and multifamily residential uses with appropriate screening, buffering and open space and enhancement of natural features and other amenities such as trails, shared drainage facilities, and common landscape and streetscape character. This District implements the *commercial*, *commercial/industrial* and *industrial* future land use classifications of the Growth Plan, as well as serving as a transition between residential and nonresidential use areas.

M-U Summary	
Primary Uses	Employment, residential, limited retail, open space
Max. Intensity	Non-Residential Nonresidential: 0.50 FAR
Maximum Density	Residential: 24 units per acre
Minimum Density	Residential: 12 units per acre
Max. Bldg. Size	150,000 sq. ft. (30,000 sq. ft. for retail)

2. **Authorized Uses.** Table 3.5 lists the authorized uses in the M-U district.
3. **Intensity.** Subject to the development standards in this Code, the following intensity provisions shall apply:
 - a. Nonresidential intensity shall not exceed a floor area ratio (FAR) of 0.50;
 - b. Nonresidential minimum lot size shall be one (1) acre, except where a continuous commercial center is subdivided;
 - c. Maximum building size for all non-retail uses shall be 150,000 square feet unless a Conditional Use Permit is issued. Maximum building size for retail shall be 30,000 square feet;
 - d. Maximum gross residential density shall not exceed twenty-four (24) units per acre;
 - e. Minimum net residential density shall be twelve (12) units per acre.
 - f. Development parcels and/or projects containing greater than five (5) acres shall have a minimum of twenty percent (20%) of the gross land area in residential development. The required twenty percent (20%) may be transferred between parcels in the Mixed Use Zone District that are being planned at the same time.
4. **M-U Performance Standards.** Development shall conform to the standards established in this Code.
 - a. Refer to any applicable overlay zone district and/or corridor design standards and guidelines.
 - b. **Loading/Service Areas.** Loading docks and trash or other service areas shall be located only in the side or rear yards.
 - c. **Vibration, Smoke, Odor, Noise, Glare, Wastes, Fire Hazards and Hazardous Materials.** No person shall occupy, maintain or allow any use in an M-U 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.

- (1) **Vibration:** Except during construction or as authorized by the City, 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.
 - (2) **Noise:** The owner and occupant shall regulate uses and activities on the property so that sound never exceeds sixty-five decibels (65 dB) at any point on the property line.
 - (3) **Glare:** Lights, spotlights, high temperature processes or otherwise, whether direct or reflected, 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(s). 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.
 - (6) **Outdoor Storage and Display:** Outdoor storage and permanent display areas shall only be located in the rear half of the lot beside or behind the principal structure. Portable display of retail merchandise may be permitted as provided in Chapter Four.
5. Performance and development standards for residential uses shall be derived from the underlying multifamily zone district, as defined in Chapter Three of this Code.
- a. The following standards shall apply to the required residential component.
 - (1) Final plans for the required residential component must be submitted and approved with the overall project.
 - (2) The required residential component must be built with the overall project, in accordance with the approved development schedule.
 - (3) Residential units may be built as part of any retail/commercial structure.
 - (4) The conditions of approval and development schedule shall be recorded against the title to all portions of the property, including each nonresidential component, requiring that the required residential component be built within the approved development schedule. The City may enforce conditions of approval and the

development schedule against the owners of any portion of the overall project jointly and separately.

CHAPTER FOUR

ACCESSORY USES, SIGN REGULATION & USE SPECIFIC STANDARDS

The substantive changes to Chapter Four are found in Sections 4.1.1.1, 4.1.1.2 and 4.3.D. (Spelling changes not shown here.)

Section 4.1.1.1 and 2

I. Outdoor Storage and Display.

1. Residential Outdoor Storage.

- a. Outdoor storage is permitted in all residential districts. Residential outdoor storage is presumed if the following or like materials are outside of a dwelling for a period of longer than forty-eight (48) consecutive hours and occupy a volume of more than one hundred fifty (150) cubic feet:
 - (1) Appliances;
 - (2) Building materials, except for periods where a valid building period is in effect for construction on the property; and
 - (3) Inoperable automobile(s), truck(s), commercial vehicle(s) and RV'(s).
- b. Junk or rubbish shall not be stored.
- c. All outdoor storage shall be located in the rear half of the lot and shall be screened.
- d. A maximum of two (2) vehicles intended for repair or restoration, also known as “junk vehicles” may be stored on a property provided all of the following conditions are satisfied:
 - e. (1) Vehicle(s) shall be owned by the owner or occupant of the premises upon which the vehicles are located; and
 - f. (2) The vehicle(s) shall be kept in an enclosed garage or under an opaque cover designed for the vehicle or otherwise screened from off-premise view.
- a. All outdoor storage shall be screened. Acceptable screening consists of any combination of fences, walls, berms and landscaping that is at least six feet (6') in height and provides a permanent, opaque, year-round screening around the entire perimeter of the outdoor storage area. Plant materials are encouraged as screening.
- b. h. All outdoor storage shall meet the following additional requirements, as applicable:
 - (1) All storage shall conform to the performance standards of the zone as described in Section 3.3 for residential zoning;
 - (2) Except for integral units, stored items shall not project above the screening;
 - (3) Dumpsters and refuse containers for new multifamily dwelling, commercial and industrial uses shall be enclosed in a solid, opaque enclosure constructed of brick, masonry, stucco or wood of at least six

feet (6') tall; and

(4) Nonconforming property shall comply with Section 3.8.

2. **Non-Residential Nonresidential Outdoor Storage.** Where outdoor storage is permitted in nonresidential districts it shall be subject to the provisions of this Code. Nonresidential outdoor storage are materials stored outside of business or commercial uses for a period of longer than forty-eight (48) consecutive hours and occupying a volume of more than one hundred fifty (150) cubic feet:

- a. Junk or rubbish is not permissible outdoor storage unless the use is a permitted junkyard/salvage yard or landfill.
- b. If the principal use of the property is other than a legal vehicle repair operation, impound lot, junkyard/salvage yard or fleet vehicle service center; a maximum of two (2) vehicles intended for repair or restoration may be stored on a property provided all of the following conditions are satisfied:
 1. Vehicle(s) shall be owned by the owner or occupant of the premises upon which the vehicle(s) are located:
 2. The vehicle(s) shall be kept in an enclosed garage, under an opaque cover designed for the vehicle or otherwise screened from off-premise view; and
 3. There shall be no outdoor storage of vehicle parts.

Existing Salvage/Recycling and Impound Lots:* If the principal use of the property is recycling to include car/auto recycler, end recycler (salvage yard) or wrecking yard storing inoperable vehicles, vehicle parts, dismantled machinery and associated parts, appliance recycler and 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 fifty feet (50') 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 (6) feet in height. Any new fencing shall be a minimum of six (6) feet.
2. If the recycler abuts a property with zoning which is not C-2, I-1 or I-2, the recycler shall also screen each perimeter that abuts such zone that is not C-2, 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 as defined in Chapter Nine of this Code; and stacking of no more than two vehicles on top of a wheel stand. Integral units shall include shelving up to twenty (20) feet in height for the purpose of storing recyclable parts. End recyclers are exempt from this requirement.
4. Each owner, operator, independent contractor and employee of a

* Section 4.1.1.2.c.1 through 6. revised February 6, 2002 (Ordinance No. 3398)

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, CFC's, transmission fluids, diesel fuel, and gasoline.

5. Tires shall be stored as required by the Grand Junction Code of Ordinances.
 6. 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 fifth working day, the recycler shall remove such items within five working days.
- d. If the principal use of the property is legal auto repair as of the adoption of this Code, 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.
 - e. Unless otherwise indicated, screening of all outdoor storage shall consist of any combination of fences, slats in chain link fences, walls, berms and landscaping that is at least six (6) feet in height and provides a permanent, opaque, year-round screening on all street frontages and the first fifty feet (50) of side perimeters of the outdoor storage area. Buildings on property line shall serve as screening. Plant materials are encouraged as screening.
 - f. All nonresidential outdoor storage shall meet the following additional requirements, as applicable:
 1. All storage shall conform to the Specific Zone Performance Criteria in Section 3.4 and the use-specific requirements of that particular use;
 2. Unless otherwise indicated, no outdoor storage shall be located in a required front yard setback or in any setback adjacent to a residential or business zone;
 3. Except for integral units, stored items shall not project above the screening;
 4. Dumpsters and refuse containers for new uses in all zones except I-1 and I-2 shall be enclosed in a solid, opaque enclosure constructed of brick, masonry, stucco or wood of at least six (6) feet tall.
Nonconforming sites shall comply with Section 3.8;

Section 4.3. USE-SPECIFIC STANDARDS

Section 4.3.B.5.a Adult Entertainment.

5. Definitions.

- a. **Adult Entertainment Establishments.** Any establishment which conducts as a Principal use of the premises or as a significant or substantial adjunct to another use of the premises, the sale, rental, display or other offering of live entertainment, dancing or material which is distinguished or characterized by its emphasis on depicting, exhibiting, describing or relating to specified sexual activities or specified anatomical areas , 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 primary or a principal attraction; and
 - (3) Adult motion picture theater: Any fully enclosed theater in which the presentation of adult material is the primary or principal attraction;
 - (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.

Section 4.3.D

New Car/Auto Recycler, End Recycler (Salvage Yard), Wrecking Yards, Appliance Recycler, Impound Lots.* For existing uses see section 4.1.I.2.c.

1. **Performance Standards.** New car/auto recycler, end recycler (salvage yard), wrecking yards, appliance recycler and impound lots shall be allowed to operate only with an approved conditional use permit and are subject to the following requirements. Salvage, dismantling, recycling or impound lot uses as accessory uses are permitted under the same status as the principal use and are subject to all requirements of the principal use in addition to the following requirements:
 - a. Recycling/wrecking/salvage yards and impound lots shall provide the screening and buffering required by Table 6.5 and provide a 6' high wall along the street frontage and along the first 50' of the side perimeter from the street. The wall shall be increased to 8' if the yard will contain any stored items in excess of 6'. The required wall shall meet the required front yard setback with landscaping in the setback area.

* Section 4.3.D.1.a. through g. revised February 6, 2002 (Ordinance No. 3398)

- b. The wall shall be of solid, 100 percent opaque, construction of wood, masonry, chain-link with slats, or other material approved in writing by the Director (unless the screening and buffering required by Table 6.5 allows for only masonry or wood).
- c. All outdoor yards or storage lots shall comply with the following:
 - No yard or storage lot shall be placed or maintained within a required yard setback.
 - Stored items shall not project above the screening except for integral units as defined in Chapter Nine of this Code; and stacking of no more than two vehicles on top of a wheel stand. Integral units shall include shelving up to twenty (20) feet in height for the purpose of storing recyclable materials. Integral units shall not be stored within the first twenty (20) feet of the property from any street frontage property line.
 - All screening shall be installed in a professional and workmanlike manner, and maintained in good condition.
- d. All compaction, cutting and/or other material volume reducing operations shall be conducted to minimize the noise generated by the operation.
- e. Unusable items shall be disposed of and not be allowed to collect on the premises.
- f. All tires not mounted on operational vehicles shall be neatly stacked or placed in racks. If stacked, the stacks shall not be over six (6) feet in height; if on racks, the top of any tire on any rack shall not be over ten (10) feet in height.
- g. 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. All other regulations of the City such as, but not limited to, building codes, fire codes, weed regulations and health regulations shall apply to the operation of all such uses.

CHAPTER SIX

DESIGN & IMPROVEMENT STANDARDS

The substantive changes to Chapter Six are included here. (Spelling changes not shown unless included within the section shown.)

No changes to Section 6.1.

6.2 INFRASTRUCTURE STANDARDS

A. General.

1. **Public Improvements.** The improvements described in this section must be built by the applicant and constructed in accordance with adopted standards. The applicant/developer shall either complete construction of all such improvements (in this section “infrastructure”) prior to final City approval (such as a subdivision plat) or shall execute a Development Improvements Agreement. No improvements shall be made until the following required plans, profiles and specifications have been submitted to, and approved by, the City:
 - a. Roads, streets and alleys;
 - b. Street lights and street signs for all street intersections;
 - c. Sanitary sewer pipes and facilities;
 - d. Fire hydrants and water distribution system and storage;
 - e. Storm drainage system;
 - f. Irrigation system;
 - g. Right-of-way landscaping;
 - h. but not limited to, telephone, cable, television, electric, and natural gas shall be provided by, and paid for, by the developer. All utilities shall be installed underground, prior to street or alley surfacing or construction, except when the development has less than 700 feet of frontage and/or when half street improvements are not required to be completed along the perimeter of the development as part of the project, then in the discretion of the Public Works Director a payment of cash-in-lieu of construction may be accepted. The payment amount shall be determined as set forth in the adopted fee schedule. Necessary above-ground facilities (*e.g.*, pedestals, transformers, and transmission lines of 50 KV capacity or greater) and temporary overhead lines may be allowed if deemed necessary by the City Engineer;
 - i. Other improvements and/or facilities as may be required by changing technology and the approval process;
 - j. Permanent survey reference monuments and monument boxes, [C.R.S. 38-51-101].
2. **Guarantee of Public Improvements.** No development shall be approved until the City has accepted constructed infrastructure or the developer has executed a development improvement agreement along with adequate security [Section 2.19].

3. **City Participation.** The City may elect to require the developer to coordinate construction with the City as required in this Chapter on the following basis:
 - a. If the developer, in order to provide safe access and circulation, must build or improve an arterial or collector street, the City may choose to participate in paying for a portion of the costs of paving these streets, including engineering, site preparation, base and pavement mat.

B. Streets, Alleys, Trails and Easements.

1. Design Standards.

- a. Street and alley layouts shall conform to adopted street plans and other policies, as well as TEDS. No owner or developer shall propose a site design or plan which could result in the applicant controlling access to a street, alley or right-of-way.
- b. Easements shall be provided as required for improvements and utilities. Alleys for utilities and infrastructure may be used.
- c. A developer shall dedicate to the City such rights-of-way (*e.g.*, streets, sidewalks, trails, bicycle paths and easements) needed to serve the project in accordance with:
 - (1) The adopted Functional Classification Map and Major Street Plan as amended from time to time; and
 - (2) The Urban Trails Map, sidewalks, trails and/or bicycle plans and maps including riverfront trails.
- d. Streets, alleys, sidewalks, trails and bikepaths shall be constructed in accordance with applicable City standards. If needed to provide safe and adequate access and circulation for residents, visitors, users and occupants, the applicant shall provide off-site infrastructure.
- e. Each project with one or more buildings (except detached dwellings) shall provide paved pedestrian walkway/sidewalk connections to nearby rights-of-way. Said connections shall be separate from parking and driveway areas.
- f. Dedications required by Section 6.2.B.1.c shall be at no cost to the City. Dedications shall not be eligible for or require a refund or TCP credit.

2. Transportation Capacity Payment (TCP) and Right-of-Way Improvements.

The developer shall pay to the City a Transportation Capacity Payment (TCP) and Right-of-Way Improvements as required by the Public Works Director (Director).

- a. The Director may require that the developer pay for and/or construct improvements necessary for the safe ingress and/or egress of traffic to the development. Those improvements are defined as minimum street access improvements. Minimum street access improvements shall be defined by the most recent version of the City's Growth and Development Related Street Policy and/or TEDS. The Growth and Development Related Street Policy shall be reviewed by City Staff and adopted annually by Council Resolution.
- b. No planning clearance for a building permit for any use or activity requiring payment of the TCP shall be issued until the TCP has been paid

and minimum street access improvements have been constructed, paid for or adequately secured as determined by the Director. Adequate security shall be that allowed or required for a Development Improvement Agreement (DIA) under Section 2.19 of this Code.

- c. The amount of the TCP shall be as set forth annually by the City Council in its adopted fee resolution. The TCP is minimally subject to annual adjustment for inflation based on the Consumer Price Index For All Urban Consumers (CPI-U), Western Region, size B/C, published monthly by the United States Department of Labor. (This information can be found at the internet site of <http://data.bls.gov/labjava/outside.jsp?survey=cu>).
- d. The TCP shall be used by the Director to make capital improvements to the transportation facilities in the City in accordance with the City's Growth and Development Related Street Policy, this Section, and other applicable provisions of the Zoning and Development Code.
 - (1) 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;
 - (2) For the reconstruction and replacement of existing roads, the construction of new major road systems and improvements and/or for the payment of reimbursable street expenses (as that term is defined from time to time by the City's Growth and Development Related Street Policy) that are integral to and that add capacity to the street system.
 - (3) Traffic capacity improvements do not include ongoing operational costs or debt service for any past general obligation bond or revenue bond issued prior to July 6, 2004 or any portion of any current or future bond issued after July 6, 2004 and not used to finance major road system improvements.
 - (4) Capital spending decisions shall be guided by the principles, among others, that TCP funds shall be used to make capacity and safety improvements but not used to upgrade existing deficiencies except incidentally in the course of making improvements; TCP fund expenditures which provide improvements which are near in time and/or distance to the development from which the funds are collected are preferred over expenditures for improvements which are more distant in time and/or distance.
 - (5) No TCP funds shall be used for maintenance.
 - (6) TCP funds will be accounted for separately but may be commingled with other funds of the City.
 - (7) The Director shall determine when and where TCP funds shall be spent.
 - (A) As part of the two-year budget process.
 - (B) As required to keep pace with development.
 - (8) The TCP shall not be payable if the Director is shown by clear and convincing evidence, that at least one of the following applies:
 - (A) An alteration or expansion of an existing structure will not create

additional trips;

- (B) The the construction of an accessory structure will not create additional trips produced by the principle building or use of the land. A garage is an example of an accessory structure which does not create additional trips;
 - (C) The the replacement of a destroyed or partially destroyed structure with a new building or structure of the same size and use that does not create additional trips;
 - (D) a structure is constructed in a development for which a TCP fee has been paid within the prior eighty four (84) months or the structure is in a development with respect to which the developer constructed Street Access Improvements and the City accepted such improvements and the warranties have been satisfied.
- e. type of impact-generating development for which a building permit is requested is for a change of land use or for the expansion, redevelopment or modification of an existing development, the fee shall be based on the net increase in the fee for the new land use type as compared to the previous land use type.
 - f. In the event that the proposed change of land use, redevelopment or modification results in a net decrease in the fee for the new use or development as compared to the previous use or development, the developer may apply for a refund of fees previously paid with the consent of the previous person having made the payment and or constructed the improvements.
 - g. For fees expressed per 1,000 square feet, the square footage shall be determined according to gross floor area, measured from the outside surface of exterior walls and excluding unfinished basements and enclosed parking areas. The fees shall be prorated and assessed based on actual floor area, not on the floor area rounded to the nearest 1,000 square feet.
 - h. Any claim for credit shall be made not later than the time of application or request for a planning clearance. Any claim not so made shall be deemed waived. Credits shall not be transferable from one project or development to another nor otherwise assignable or transferable.
 - i. Rights-of-way and other Minimum Street access improvements include street and road improvements required to provide for the safe ingress and egress needs of the development as determined by the Director.
shall be TEDSdetermined by the Director. The Director shall determine the acceptable quality of service taking into consideration existing traffic, streets and proposed development.
- (1) Required right-of-way dedications shall be at no cost to the City.

Definitions. The following terms and words shall have the meanings set forth for this Section.

- (1) Average trip length: The average length of a vehicle trip as determined by the limits of the City, the distance between principle trip generators and as modeled by the City's, the County's, the State's or MPO's computer program(s). In the event that the models are inconsistent, the most advantageous to the City shall be used.
- (2) "Convenience store," "hotel/motel," "retail," and other terms contained

and with the meaning set forth in the Trip Generation Manual.

- (3) Lane-mile: Means one paved lane of a right-of-way mile in length fourteen (14) feet in width, including curb and gutter, sidewalk, storm sewers, traffic control devices, earthwork, engineering, and construction management including inspections. The value of right-of-way is not included.
- (4) Percentage of new trips: Based on the most current version of ITE Transportation and Land Development Manual, and the ITE Trip Generation Manual.
- (5) Unimproved/under-improved floor area: Has the meaning as defined in the adopted building codes.

1. Calculation of Fee.

- (1) Any person who applies for a building permit for an impact-generating development shall pay a Transportation Impact Fee in accordance with the most recent fee schedule prior to issuance of a building permit. If any credit is due pursuant to Section i. above, the amount of such credit shall be deducted from the amount of the fee to be paid.

Table 6.2.A

Land Use Type	ITE Code	Unit	Fee	Factor
Residential				
Single Family	210	Dwelling	\$1,500	1.00
Multifamily	220	Dwelling	\$1,039	0.69
Mobile Home/RV Park	240	Pad	\$ 754	0.50
Hotel/Motel	310/320	Room	\$1,414	0.94
Retail/Commercial				
Shopping Center (0-99KSF)	820	1000 SF	\$2,461	1.64
Shopping Center (100-249KSF)	820	1000 SF	\$2,311	1.54
Shopping Center (250-499KSF)	820	1000 SF	\$2,241	1.49
Shopping Center (500+KSF)	820	1000 SF	\$2,068	1.38
Auto Sales/Service	841	1000 SF	\$2,223	1.48
Bank	911	1000 SF	\$3,738	2.49
Convenience Store w/Gas Sales	851	1000 SF	\$5,373	3.58
Golf Course	430	Hole	\$3,497	2.33
Health Club	493	1000 SF	\$2,003	1.34
Movie Theater	443	1000 SF	\$6,216	4.14
Restaurant, Sit Down	831	1000 SF	\$3,024	2.02
Restaurant, Fast Food	834	1000 SF	\$6,773	4.52
Office/Institutional				
Office, General (0-99KSF)	710	1000 SF	\$1,845	1.23
Office, General >100KSF	710	1000 SF	\$1,571	1.05
Office, Medical	720	1000 SF	\$5,206	3.47

Hospital	610	1000 SF	\$2,418	1.61
Nursing Home	620	1000 SF	\$ 677	0.45
Church	560	1000 SF	\$1,152	0.77
Day Care Center	565	1000 SF	\$2,404	1.60
Elementary/Sec. School	520/522/530	1000 SF	\$ 376	0.25
Industrial				
Industrial Park	130	1000 SF	\$1,091	0.73
Warehouse	150	1000 SF	\$ 777	0.52
Mini-Warehouse	151	1000 SF	\$ 272	0.18

- (2) If the type of impact-generating development for which a building permit is requested is not specified on the fee schedule, then the Director shall determine the fee on the basis of the fee applicable to the most nearly comparable land use on the fee schedule. The Director shall determine comparable land use by the trip generation rates contained in the most current edition of *ITE Trip Generation Manual*.
- (3) In many instances, a building may include secondary or accessory uses to the principal use. For example, in addition to the production of goods, manufacturing facilities usually also have office, warehouse, research and other associated functions. The TCP fee shall generally be assessed based on the principal use. If the applicant can show the Director in writing by clear and convincing evidence that a secondary land use accounts for over 25% of the gross floor area of the building and that the secondary use is not assumed in the trip generation for the principal use, then the TCP may be calculated on the separate uses.
- (4) **TCP fee Calculation Study.** At the election of the applicant or upon the request of the Director, for any proposed development activity, for a use that is not on the fee schedule or for which no comparable use can be determined and agreed by the applicant and the Director or for any proposed development for which the Director concludes the nature, timing or location of the proposed development makes it likely to generate impacts costing substantially more to mitigate than the amount of the fee that would be generated by the use of the fee schedule, a TCP fee calculation study may be performed.
- (5) The cost and responsibility for preparation of a fee calculation study shall be determined in advance by the applicant and the Director.
- (6) The Director may charge a review fee and/or collect the cost for rendering a decision on such study. The Director's decision on a fee or a fee calculation study may be appealed to the Zoning Board of Appeals in accordance with Section 2.18.B of this Code.
- (7) The TCP Fee Calculation Study shall be based on the same formula, quality of service standards and unit costs used in the Impact Fee Study. The Fee Study Report shall document the methodologies and all assumptions.
- (8) The TCP Fee Calculation Study shall be calculated according to the

following formula:

Table 6.2.B

	FEE	=	VMT x NET COST/VMT x RF
WHERE:	VMT	=	TRIPS x % NEW X LENGTH ÷ 2
	TRIPS	=	DAILY TRIP ENDS GENERATED BY THE DEVELOPMENT DURING THE WORK WEEK
	% NEW	=	PERCENT OF TRIPS THAT ARE PRIMARY, AS OPPOSED TO PASSBY OR DIVERTED-LINK TRIPS
	LENGTH	=	AVERAGE LENGTH OF A TRIP ON THE MAJOR ROAD SYSTEM
	÷ 2	=	AVOIDS DOUBLE-COUNTING TRIPS FOR ORIGIN AND DESTINATION
	NET COST/VMT	=	COST/VMT – CREDIT/VMT
	COST/VMT	=	COST/VMC x VMC/VMT
	COST/VMC	=	AVERAGE COST TO CREATE A NEW VMC BASED ON HISTORICAL OR PLANNED PROJECTS (\$306 EXCLUDING MAJOR STRUCTURES)
	VMC/VMT	=	THE SYSTEM-WIDE RATIO OF CAPACITY TO DEMAND IN THE MAJOR ROAD SYSTEM (1.0 ASSUMED)
	CREDIT/VMT	=	CREDIT PER VMT, BASED ON REVENUES TO BE GENERATED BY NEW DEVELOPMENT (\$82)
	RF	=	REDUCTION FACTOR ADOPTED BY POLICY AT 52.6%

- (9) A TCP Fee Calculation Study submitted for the purpose of calculating a Transportation Impact Fee may be based on data information and assumptions that are from:
- (A) An accepted standard source of transportation engineering or planning data; or
 - (B) A local study on trip characteristics performed by a qualified

transportation planner or engineer pursuant to an accepted methodology of transportation planning or engineering that has been approved by the Director.

3. **Public Right-of-Way Use.**
 - a. No 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 [Chapter Four].
 - b. No person shall use, store, display or sell any goods, merchandise or any structure without having first obtained a revocable permit, except that this provision shall not be enforced in a manner which limits unreasonably any persons freedom of speech or assembly.
 - c. No commercial vehicle which exceeds one and one half (1-1/2) tons rated carrying capacity shall be parked in a public right-of-way which abuts any residential zone.
 - d. Overnight camping shall not be allowed in public right-of-way or in any private parking lot made available to the public, unless specifically permitted by the City for such use. Parking of an RV or any vehicle for more than seventy-two (72) hours shall not be allowed in a public right-of-way.
 4. **Partially Dedicated Street.** Prior to any development or change of use which is projected to increase traffic generation by the greater of five (5) percent or ten (10) vehicle trips per day, the applicant shall dedicate right-of-way required to bring abutting streets into compliance with the adopted street classification map, 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.
 5. **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.
- C. **Irrigation Systems and Design.**
All required landscaped areas shall be irrigated according to section 6.5.B. The applicant shall comply with the standards in the SSID Manual.
- D. **Potable Water System.**
 1. All development and all uses shall be served by a water treatment and distribution system operated or approved by the City, unless such requirement is deemed unreasonable or impracticable, as determined by the Public Works and Utilities Director.
 2. Fire hydrants shall be placed and have fire flow capabilities in accordance

with the City's ordinances.

E. **Sanitary Sewer System.**

All lots and uses must be served by a sewer system connected to a public wastewater treatment facility.

F. **Stormwater Management.**

1. Requirement. All proposed development must provide for on-site runoff collection and conveyance in accordance with Stormwater Management Manual (SWMM) and applicable federal and state laws.
2. Drainage Fee In Lieu Of Providing Drainage Detention/Retention Facilities. Detention/retention and metered outlet facilities shall be required unless the Director of Public Works and Utilities, pursuant to the City's adopted stormwater drainage impact fee ordinance, finds:
 - a. the site runoff to private property will not increase due to development; and
 - b. the Director, or his designee, determines that off-site public streets or other public drainage conveyance facilities are adequate to receive and convey additional runoff from the proposed development site without adversely impacting the public's facilities, interest, health, or safety.
3. Generally, options will be restricted to proposed developments which are five (5) acres or less for all phases and/or filings. There may be circumstances, however, where the Director may allow an option for larger sites if they are located low in a watershed basin or adjacent to major outfall facilities.
4. The Director, or his designee, shall require submittal of certain information on the part of the developer in order to determine if the drainage fee option is allowed or if construction of drainage detention/retention facilities is required. Such information may include but is not necessarily limited to the type and percent of impervious surfaces, measurements of property including elevations, distance to conveyance structure(s), type of conveyance structure(s), availability of regional detention facilities, flood control structures and location of the development within the watershed.
5. Upon written approval from the Director, or his designee, the developer shall be given the option of paying a drainage fee in lieu of providing drainage detention/retention and metering facilities. The required drainage fee shall be accordance with the adopted fee schedule.
6. Developer selection of the drainage fee option, when allowed, does not waive the requirements for:
 - a. Providing an on-site grading and drainage plan; and
 - b. Construction of on-site collection and conveyance facilities and providing drainage calculations as required therefor. However, payment of the drainage fee, when approved by the Director or his designee, shall constitute compliance with City policy regarding development related increased runoff.
7. Drainage fees shall be paid to the City and will be allocated for the construction of drainage facilities at locations, determined by the City, in its sole and absolute discretion, to be of greatest priority. Fees shall be paid prior

to the recording of residential plats, or prior to issuance of planning clearance for all other development.

8. The City may, from time to time, by resolution of the City Council, change the method or formula of calculating the drainage fee, based upon projections, estimates or opinions of the Director of Public Works or his designee, of the need for additional specific facilities, and/or upon the need of the drainage system.

No changes to Sections 6.3 or 6.4.

6.5 LANDSCAPE, BUFFERING AND SCREENING STANDARDS

- A. **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.
- B. **General Landscape Standards.**
 1. All landscaping required by this Code shall comply with the standards and requirements of this Section 6.5. The landscaping requirements of this Code shall not apply to a lot zoned for one or two dwellings. 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.
 2. **Plant Quantities.** The amount of landscaping is based on gross area of proposed development.
 3. **Landscaping Standards.** All new development must install and maintain landscaping as required by this Code. [See Exhibit 6.5.A for an example of the landscaping requirements of this section.]
 - a. On-site frontage landscaping may not apply in the B-2 zone downtown commercial. [see Zone District standards]
 - b. Landscaping in the abutting right-of-way is required in addition to overall site landscaping requirements.
 - c. Buffer landscaping is required in addition to overall site landscaping requirements.
 4. **Acceptable Plant Material.** Vegetation must be suitable for Grand Junction's climate and soils. 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 habit, *etc.* Noxious weeds are not allowed [The Director will keep a list of suitable plants.]
 5. **Minimum Plant Sizes are:**

- Shade Tree, 2" caliper (measured 6" above root ball) at time of planting. At maturity, a shade tree has a height and/or spread of thirty (30') feet or greater. If 2" caliper 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. For example, the installation of six 1 ½" caliper Shade Trees would result in a short fall of 3 caliper inches, which could be compensated for with two additional 1 ½" trees. However, a minimum caliper of 1 ½" shall be required.
- a. Ornamental Tree, 1 ½" caliper (measured 6" above root ball) at time of planting. At maturity, an ornamental tree has a spread and height between 15' and 30'.
 - b. Evergreen tree, 6 feet tall at time of planting.
 - c. Deciduous shrub, 5-gallon container.
 - d. Evergreen shrub, 5-gallon container.
 - e. Perennials and ground covers, 1-gallon container.
 - f. Turf mix, native grasses and wild flower mix are the only vegetation that may be planted as seed.
6. **Irrigation.** All vegetation and landscaped areas must be provided with a permanent irrigation system.
- a. Non-potable irrigation water shall be used unless the Director allows the use of potable water.
 - b. An underground pressurized irrigation system and/or drip system is required for all landscape areas on the property and in any right-of-way.
 - c. If connected to a drinking water system, all irrigation systems require backflow prevention devices.
 - d. All irrigation for non-potable irrigation water systems must have adequate filters easily accessible above ground or within an appropriately sized valve box.
 - e. 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.
7. **Landscape Plans and Equivalent Plants.**
- a. Landscape plans must identify the species and sizes of vegetation [SSID Manual].
 - b. All landscaping shall be installed as shown on the approved plan.
 - c. An equivalent species may be substituted in the field without prior approval of the Director, provided a revised drawing is submitted to the Department. Plants are "equivalent" if they have the same growth habit and rate, same cover, leafing, shade characteristics and function, have similar water requirements, thrive in the same microclimate, soils and water conditions.
 - d. All other changes to the landscape plan require prior approval from the Director.

All development plans shall designate required landscaping areas.

Subdivision plats shall designate required landscaping areas.

8. **Preservation of Significant Landscape Features.** Existing landscape features such as escarpments, large or old trees or stands, heavy vegetative cover, ponds and bluffs shall be identified by the Director as part of the development review process. To the extent the Director deems practicable, such features shall be preserved by the final plans and to such extent, count toward landscape and open space area requirements. Features to be preserved shall be protected throughout site development. If a significant live feature which was to be preserved dies or is substantially damaged the developer shall replace it with an equivalent feature as determined by the Director. No person shall kill or damage a landscape feature required to be preserved by this section. The developer shall protect trees from compaction under the canopy drip line of the tree unless the City Forester says otherwise.
 - a. During construction, fencing or similar barriers shall isolate and protect the landscape features to be preserved.
 - b. All protection measures shall be clearly identified on the construction and landscape plans.
 - c. No vehicles or equipment shall be driven or parked nor shall any materials be piled within the canopy drip line of any tree to be preserved.
9. **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.
10. **Utility Lines.** If the location of utilities conflict with the landscaping provisions, the Director may approve an equivalent alternative.
 - a. Utility composite plans must be submitted with landscape plans.
 - b. Trees which will grow to a height of greater than 15 feet at maturity shall not be planted under electrical lines.
 - c. Small deciduous Ornamental and evergreen trees planted under an electrical line may count towards the total tree requirement.
11. **Sight Distance.** The owner shall maintain all vegetation, fences, walls and berms so that there is no site distance hazard nor road or pedestrian hazard.
12. The Director shall decide all questions of soils, plant selection and care, irrigation installation and other vegetation and landscaping questions.
13. Soil in landscape areas must be amended and all vegetation planted in accordance with good horticultural practices.
 - a. Details for the planting of trees, shrubs and other vegetation must be shown on the landscaping plans.
 - b. The owner shall keep each fire hydrant unobscured by plant material.
 - c. 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.
 - d. Mulch and weed fabric are required for all shrub beds.
 - e. The minimum square footage of planting area for a 5-gallon evergreen or deciduous shrub is 16 square feet. These minimum square footages

may be varied by a qualified professional.

14. **Trees.**
 - a. Trees should 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 area and between parking bays, helps eliminate this conflict and should be considered.
 - b. Tree canopies may overlap by up to 20% 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.
 - c. At planting, tree trunks must be reasonably straight with minimal doglegs.
 - d. Wire baskets, burlap wrappings, rope, twine or any similar shipping materials shall be removed before planting.
 - e. The minimum square footage of planting area for a shade tree is 140 square feet. The Director may vary the minimum square footage.
15. **Maintenance.** The owners, tenants and occupants for all new and existing uses in the City must:
 - a. Maintain landscaping in a healthy, growing, neat and well maintained condition;
 - b. Maintenance includes watering, weeding, pruning, pest control, trash and litter removal, replacement of dead or diseased plant material, reseeding and other reasonable efforts.
 - c. Any plant that dies must be replaced with an equivalent live plant within ninety (90) days of notification or, if during the winter, by the next April 1st.
 - d. Hay mulch used during the preparation or establishment of landscaping must be certified weed-free by the Colorado Department of Agriculture.
 - e. On his own or based on a citizen complaint, the Director may, without notice and without a warrant, walk on the landscaped portion of the property from time to time to inspect the condition of landscaping.
16. **Public Right-of-Way.** Except where a detached sidewalk exists or is proposed and approved (see d. below), landscaping on public right-of-way shall not be counted toward any landscape or open space requirements of this Code, unless specifically provided otherwise in this Code.
 - a. All unimproved right-of-way adjacent on the side abutting a development which is not in the City's five-year capital plan to be improved must be landscaped. All right-of-way landscaping shall be irrigated and maintained by the adjoining private property owner(s), 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.
 - b. At least seventy-five percent (75%) of the unpaved adjacent right-of-way shall be landscaped with turf, low shrubs or ground cover. The Director may vary the required landscaping to obtain a consistent appearance in the area or with existing or planned right-of-way landscaping.
 - c. The owner of the nearest property shall keep all rights-of-way, which is

- 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 mulch, wood chips, bark chips, decorative rocks or cobble or similar natural materials, to be underlain by weed fabric or other barrier.
- d. Where detached sidewalks exist, or are proposed, a maximum of 50% of the public right-of-way landscaping may be counted toward the total required landscaping. The right-of-way landscaping between the curb and sidewalk shall contain street trees spaced every forty feet (40’).
 - e. The Director may allow decorative paving in landscaped areas in commercial or other high pedestrian traffic areas if the decorative paving is compatible with nearby right-of-way paving and landscaping.
17. **Pervious Coverage.** Landscaped and buffer areas count toward the pervious area requirement.
18. The Director may approve an applicant’s request to vary from the required number and types of plants or landscaped area if:
- a. The number of trees exceeds twenty-five percent (25%) of the minimum number of trees; and/or
 - b. Trees exceed the minimum caliper requirement by one inch or more; and/or
 - c. Additional berming or other attractive buffering, public art, enhanced paving treatments for public plazas (brick or concrete pavers, tinted and stamped concrete, etc.) is provided. The Director may grant up to a 10% reduction of the square footage of improved area used to calculate the landscape requirement where these types of enhancements are included in a development.
 - d. Additional trees or larger trees can be exchanged on a per caliper inch basis with three shrubs equaling one caliper inch. Credit for using larger trees would be based on a direct exchange of caliper inches. For example: 10, 3” caliper trees equaling 30 caliper inches is the same as 15, 2” caliper trees equaling 30 caliper inches; 1, 2” caliper tree equals 6 shrubs. Trees may be substituted for shrubs, but shrubs may not be substituted for trees.
 - e. If the total amount of required landscaping is provided, the Director may allow the owner to place the landscaping on another appropriate part of the lot.
19. If the Director is not the decision-maker, his authority shall be exercised by the decision-making body.
20. **Xeriscaping.** Because of Grand Junction’s desert environment, xeriscaping and the use of xeric (low water use) plants are strongly encouraged. Xeriscape designs shall employ the seven basic principles of xeric design which include “comprehensive planning and design for low water use, creating practical turf areas, selecting low water use plants and organizing plants by water usage, using adequate soil prep, using water conserving mulches, irrigating efficiently and maintaining the landscape appropriately”. (Source: Denver Water Board).

- a. Low water use plants are encouraged for use in the “typical” urbanized landscape, especially where the plants can be irrigated (zoned) separately from higher water use plant material. This way of using xeric plants is compatible with any of the requirements of Zoning and Development Code.
- b. Landscape designs that mimic the “desert” character of Grand Junction’s setting are also encouraged, but must be carefully designed so that the basic requirements for shade, screening and buffering are met. Because of this, the Director must approve “desert” landscape installations as well as variances from the required plant coverage ratios or minimum plant sizes (*e.g.*, where xeric plants are only available in one gallon containers).

C. Parking Lots.

1. 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:
 - a. One landscaped island, parallel to parking spaces, is required for each twenty (20) parking spaces. In lieu of the standard landscape island, one “orchard style” landscape island may be used for every six (6) parking spaces. The orchard style landscape islands shall be evenly spaced between end landscape islands. (see Exhibit 6.5.B)
 - b. Landscape islands must be at least one hundred forty (140) square feet. The narrowest/smallest dimension of a parking lot island shall be eight feet (8’), measured from back of curb to back of curb.
 - c. One (1) landscaped 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.
 - d. A landscape island is required at the end of every row of parking spaces, regardless of length or number of spaces.
 - e. Barrier curbing on all sides adjacent to the parking lot surface is required to protect each landscape islands from vehicles.
 - f. 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.
 - g. Landscaping of the interior of a parking lot shall include trees and shrubs.

Parking Lot Perimeter. Landscaping is required around the entire perimeter of a parking lot to assist in the shading of cars, 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. All landscape strips for parking lot perimeters must average 8’ in width. 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.

- a. Screening shall occur between a street and a parking lot and Street Frontage Landscape shall apply. [Sections 6.5.C.3 and 6.5.D]
 - b. The minimum dimension allowed for the parking lot perimeter landscape strip is six feet (6'). The width of a landscape strip can be modified by the Director, provided the intent of this Section is met.
 - c. Landscaping along the perimeter of parking lots shall include trees and shrubs.
 - d. Parking lots shared by more than one owner shall be landscaped around the perimeter of the combined lots.
3. **Screening.** All parking lots abutting rights-of-way, entry drives, and adjacent properties must be screened. For this subsection, a screen means a turf berm and/or shrubs.
- inch (30") high screen is required along seventy percent (70%) of parking lots abutting rights-of-way, entry drives, and adjacent properties, excluding curb cuts. The 30" 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 Seventy percent (70%) elevation of the roadway if the adjacent road is higher than the property.
 - a. The landscaped area Screening shall not be required between parking lots on adjoining lots where the two lots are designed to function as one.
 - b. If a landscape area is thirty feet (30') or greater between a parking lot and a right of way, the thirty inch (30") high screen is not required. This thirty foot (30') wide or greater area must be one hundred percent (100%) covered in plant material within three (3) years. Turf is allowed.
 - c. The Director may approve a screen wall between a parking lot and a right-of-way if the lot or parcel is unusually small.
 - d. A screen wall must not be taller than thirty inches (30"), unless the adjacent roadway is higher than the property, in which case the screen wall shall be 30" higher than the adjacent roadway.
- A one (1)Two (2) five-gallon shrubs may be substituted for four (4) linear feet of wall.
- e. A column or jog or equivalent architectural feature is required for every twenty-five (25) linear feet of wall.
 - f. The back of the wall must be at least thirty inches (30") from the face of curb for bumper overhang.
 - g. Shrubs must be planted on the street side of the wall.
 - h. There must be at least five feet (5') between the right of way and the paved part of a parking lot to use a wall as a screen.
 - i. Wall elevations and typical cross sections must be submitted with the landscape plan at a minimum scale of one half inch = one foot ($\frac{1}{2}'' = 1'$).
 - j. 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.
 - k. Shrub plantings in front of a wall are not required in the B-2 Downtown District.

D. **Street Frontage Landscape.**

1. Street Frontages. Within all zones (except single family uses in Single Family Zone Districts), the owner shall provide and maintain a minimum 14' wide street frontage landscape adjacent to the public right-of-way.
2. A minimum of seventy-five percent (75%) of the street frontage landscape shall be covered by plant material at maturity.
3. The Director may allow for up to 50% of the 14' wide street frontage to be turf, or up to 100% turf coverage may be allowed if the parking lot setback from the right-of-way exceeds 30'. Low water usage turf is encouraged.
4. All unimproved right-of-way adjacent to new development projects shall be landscaped and irrigated by the owner and/or homeowners association as per the sections of this code.
5. 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 forty feet (40') of street frontage.
6. Where detached walks are provided, a minimum street frontage landscape of five feet (5') is acceptable.

E. **Buffers.**

1. **Zone District Buffering.** Buffers shall be provided between different zoning districts as indicated on Exhibit 6.5.C.
 - a. Seventy-five (75%) of each buffer area shall be landscaped with turf, low shrubs or ground cover.
 - b. One (1) medium sized tree is required per every forty (40) feet of boundary between different zones.
2. **Exceptions.**
 - a. Where residential or collector streets or alleys separate zoning districts, the Director can require more landscaping instead of a wall or fence.
 - b. Where walkways, paths, or a body of water separates zoning districts, the Director may waive a fence or wall requirement provided the buffering objectives are met by private yards.
 - c. Where a railroad or other right-of-way separates zoning districts the Director may waive the buffer strip if the buffering objectives are met without them.

F. **Fences, Walls and Berms.**

1. **Fences and Walls.** Nothing in this Code shall require the "back-to-back" placement of fences and/or walls. If an existing fence or wall substantially meets the requirements of this section, an additional fence on the adjacent developing property shall not be required. (Table 6.5 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.) Fences and walls must meet the following:
 - a. Maximum height: six feet (6') outside of front setback, thirty-inch (30") height within the front setback and must meet all sight distance requirements.
 - b. Fence type: solid wood or material with a similar appearance, finished

- on both sides.
- c. 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.
 - d. Location: within three feet (3') of the property line unless the space is needed to meet landscaping requirements.
 - e. A wall must have a column, or other significant architectural feature every thirty feet (30') of length.
 - f. Any fence or wall over six feet (6') in height requires a building permit
 - g. No person shall construct or maintain a fence or a wall without first getting a fence/wall permit from the Director.
2. **Berms.** Minimum requirements for berms are as follows:
- a. Maximum slope of four to one (4:1) for turf areas and three to one (3:1) shrub beds; and
 - b. 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.

G. Residential Subdivision Perimeter Enclosures.

- 1. **Intent.** The decision-maker may approve (if requested by the applicant) or require (where deemed necessary) 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.
- 2. **Specifications.** Unless specified otherwise at the time of final approval:
 - a. A perimeter enclosure includes fences, walls or berms, and combinations thereof, located within five (5) feet of the exterior boundary of a development.
 - b. The maximum height is six (6) feet (including within front setbacks); however, an enclosure constructed on a berm shall not extend more than eight (8) feet above the adjoining sidewalk or crown of road, whichever is lower.
 - c. New enclosures shall be compatible with existing enclosures in the vicinity, if such enclosures meet the requirements of this Code.
 - d. A perimeter enclosure in excess of six (6) feet is a structure and requires a building permit.
 - e. A perimeter wall must have a column or other significant architectural feature every thirty (30) feet.
- 3. **Required Perimeter Enclosures.** The decision-maker may require a perimeter enclosure as a condition of the final approval if:
 - a. Use or enjoyment of property within the development or in the vicinity of the development might be impaired without a perimeter enclosure.
 - b. A perimeter enclosure is necessary to maintain a consistent and

- complementary appearance with existing or proposed perimeter enclosures in the vicinity.
- c. A perimeter enclosure is necessary to control ingress and egress for the development.
 - d. A perimeter enclosure is necessary to promote the safety of the public or residents in the vicinity.
 - e. A perimeter enclosure is needed to comply with the purpose, objectives or regulations of the subdivision requirements.
 - f. A perimeter enclosure is needed to comply with a corridor overlay district.
 - g. The Director will notify applicants of the need for a perimeter enclosure, if required.
4. **Design of Perimeter Enclosures.** A complete landscape plan for the required landscape buffer and a detail drawing of the perimeter enclosure must be submitted at the time of final approval: perimeter enclosure detail at a scale of one half inch equals one foot ($\frac{1}{2}''=1'$).
- Landscape Buffer.** On the outside of a perimeter enclosure adjacent to a right-of-way, a fourteen-foot (14') wide landscape buffer shall be provided between the perimeter enclosure and the right-of-vegetation in the -way for Major and Minor Arterial streets and Urban Collectors. A five foot (5') wide landscape buffer for side and rear yard perimeters shall be provided on all other streets between the perimeter enclosure and the right-of-way.
- a. Vegetation in the sight triangle (see TEDS) shall not exceed thirty inches (30") in height at maturity;
 - b. In the landscape buffer, one (1) tree per forty (40) linear feet of perimeter must be provided;
 - c. All perimeter enclosures and landscape buffers must be within a tract dedicated to d. Each owner or the owner's association shall maintain all such and maintained by the Homeowners' Association. The perimeter enclosure and landscaping must be installed by the developer and made a part of the Development Improvements Agreement.
 - e. The d. A minimum of seventy-five percent (75%) of the landscape buffer area shall be covered by plant material at maturity. Turf may be allowed for up to 50% of the 14' wide landscape strip, at the Director's discretion. Low water usage turf is encouraged.
 - e. Where detached walks are provided, a minimum buffer of 5' shall be provided. In which case, the right-of-way parkway strip (area between the sidewalk and curb) will also be planted as a landscape buffer and maintained by the HOA.
6. **Construction of Perimeter Enclosures.** The perimeter enclosure and required landscape buffer shall be installed by the developer and included in the Development Improvements Agreement.
7. **Ownership and Maintenance.** 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 owner's association or by individual owners. The perimeter enclosure

- shall be identified on the plat.
8. **Alternative Construction and Ownership.** If the decision-maker 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 Section 6.7 of this Code, the final approval shall specify the type and size of materials, placement of fence posts, length of sections, and the like.
 9. **Overlay District Conflicts.** Where in conflict, the perimeter enclosure requirements or guidelines of approved overlay districts shall supersede the requirements of this section.
 10. **Variiances.** Variances to this section and appeals of administrative decisions (where this Code gives the Director discretionary authority) shall be referred to the Planning Commission.

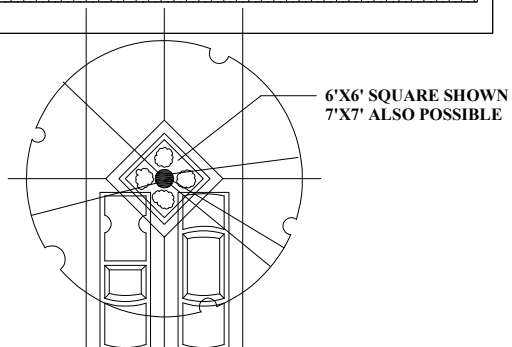
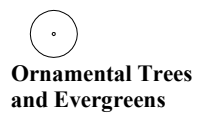
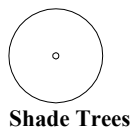
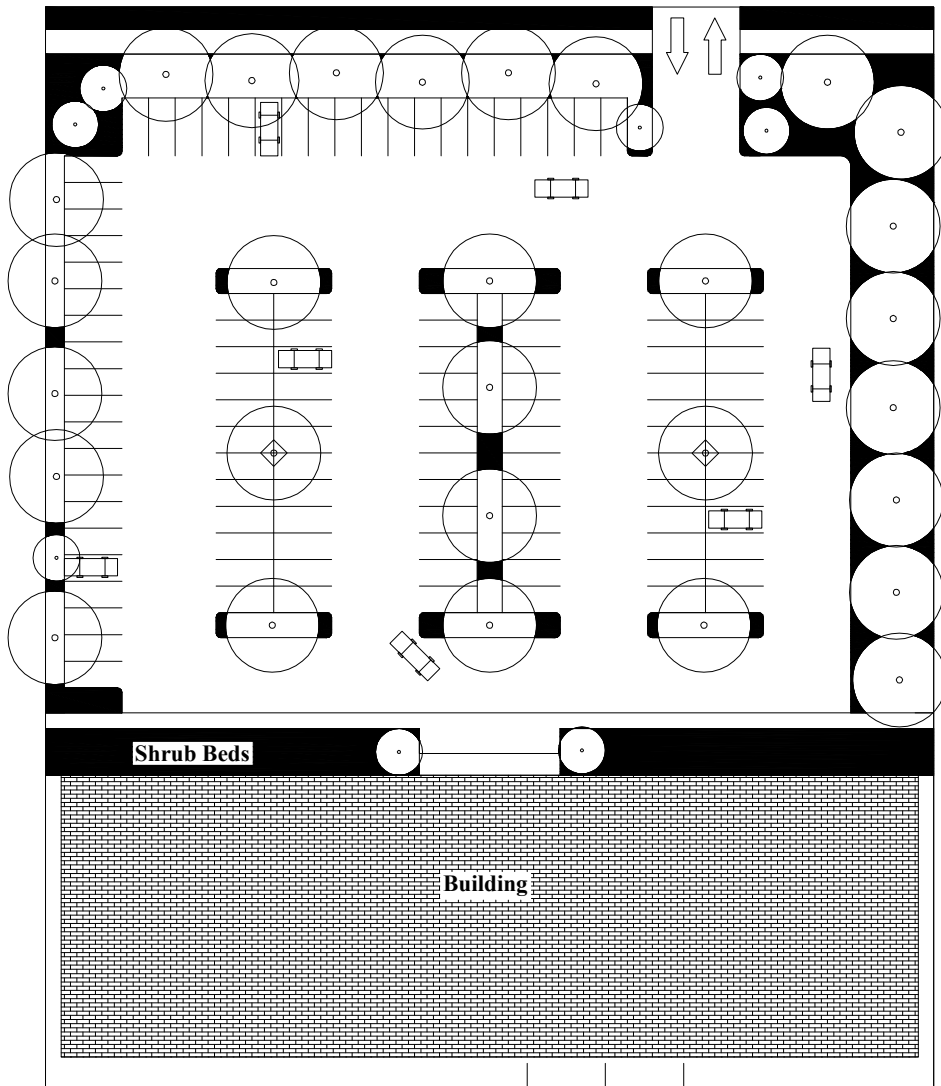
H. I-1 and I-2 Zone Landscape

1. **Parking Lot Interior Landscape.** Landscaping for the parking lot interior shall be per Section 6.5.C.1, with the following additions:
 - a. Shade trees are to be provided at a rate of one (1) shade tree for every six (6) parking spaces and distributed throughout the landscape islands, perimeter landscape and screens to maximize shade and screening.
 - b. A minimum of one (1) shrub shall be provided for every twenty-five (25) square feet of each landscape island.
2. **Parking Lot Perimeter Landscape.** Landscaping for the parking lot perimeter shall be per Section 6.5.C.2 with the following addition:
 - a. Turf may be allowed for up to 50% of the parking lot perimeter, at the Director's discretion. Low water usage turf is encouraged.
 - b. A minimum of 75% of the parking lot perimeter landscape shall be covered by plant material at maturity.
3. **Street Frontage Landscape.** Landscaping for the street frontage shall be per Section 6.5.D with the following additions:
 - a. Vegetation in the sight triangle in the street frontage must not exceed thirty inches (30") in height at maturity.
 - b. One (1) tree for every forty linear feet (40') of street frontage (excluding curb cuts) must be provided, 80% of which must be shade trees.
4. **Side Yard Landscape.** The first fifty feet (50') of side yard (beginning at the front property line) shall be landscaped. The minimum width of this landscape area shall be six feet (6') and the landscape shall include at least one (1) shade tree, or two (2) ornamental trees, or two (2) evergreen trees, with the remainder of the ground plane covered with shrubs that will grow to at least 30" in height at maturity.
5. **Public Right-of-Way Landscape.** Landscaping for the public right-of-way shall be per Section 6.5.B.16.
6. **Maintenance.** Each owner or the owner's association shall maintain all landscaping.
7. **Other Applicable Sections.** The requirements of Exhibits 6.5.A, 6.5.B, 6.5.C and 6.5.D shall also apply.

Exhibit 6.5.A
LANDSCAPING REQUIREMENTS

Zoning of Proposed Development	Landscape Requirement	Location of Landscaping on Site
Single Family Residential (RSF Zones)	No Landscaping Required As required for uses other than single family residential; and as required in 6.5.G and 6.5.B.16	Not Applicable As required for uses other than single family residential; and Landscape Buffer and Public Right-of-Way
RMF-5, RMF-8, RMF-12, RMF-16, RMF-24, R-0, B-1, B-2, C-1, C-2, I-0, CSR, MU	One tree per 2,500 square feet of improved area, with no more than 20% of the total being Ornamental Trees or Evergreens. One 5-gallon shrub per 300 square feet of improved area.	Buffer, Parking Lot, Street Frontage Perimeter, Foundation Plantings and Public Right-of-Way
* Facilities listed below I-1, I-2	One 5-gallon shrub per 600 square feet of improved area As required in 6.5.H and in other Sections of Chapter 6.5 where applicable	Perimeter and Buffer Street Frontage, Parking Lots, Buffers and Public Right-of-Way
* Facilities listed below	One tree per 5,000 square feet of improved area One 5-gallon shrub per 600 square feet of improved area	Perimeter, Buffer and Public Right-of-Way
* Mining, Dairy, Vineyard, Sand or Gravel Operations, Confined Animal Feeding Operation, Feedlot, Forestry Commercial, Aviation or Surface Passenger Terminal, Pasture		
<p>Notes:</p> <ol style="list-style-type: none"> 1. Twenty-five percent (25%) of the required shrubs may be converted to turf based on one 5-gallon shrub per 50 square feet of turf. 2. Ten percent of the required shrubs may be converted to perennials and/or ground covers at a ratio of three 1-gallon perennials and/or ground covers for one 5-gallon shrub. 3. A development with any overall requirement of more than 100 Species diversity: The percent of any one type of shrub that can be planted in a development shall be as follows: A development with any overall requirement of more than: 50% <ol style="list-style-type: none"> a. 20 – 39 shrubs: 33% b. 40 – 59 shrubs: 25% c. 60 or more shrubs: 15% 4. Species diversity: The percent of any one type of tree that can be planted in a development shall be as follows: <ol style="list-style-type: none"> a. 0 – 5 trees: No Limitation b. 6 – 21 trees: No more than 50% of one species c. 21 or more trees: No more than 20% of one species 5. When calculating tree and shrub quantities, any fraction of a shrub or tree or other requirement is rounded up to the next whole number. With the approval of the Director, the number of shrubs may be reduced in exchange for additional trees or tree size at a rate of three shrubs per caliper inch. 6. Improved Area means the total lot area being used including the building, parking lot, and storage or display areas. The improved area can be adjusted by the Director. 		

Exhibit 6.5.B
An Example Tree Landscape Plan
Demonstrating Tree Size and Parking Lot Island Options



ORCHARD-STYLE LANDSCAPE ISLAND

Exhibit 6.5.C
BUFFERING BETWEEN ZONING DISTRICTS

Zoning of Proposed Development	Zoning of Adjacent Property												
	SF	RMF-5	RMF-8	RMF-12 & RMF-16	RMF-24	R-O	B-1	B-2	C-1	C-2 & I-O	I-1	I-2	CSR
SF (Subdivisions)	-	-	-	-	-	-	F	F	-	W	W	W	-
RMF-5	-	-	-	-	-	-	F	F	-	W	W	W	-
RMF-8	A&F ³	-	-	A or F	A or F	A or F	F	F	-	W	W	W	-
RMF-12 & RMF-16	A&F	A&F	A&F	A&F	A or F	A or F	F	F	W	W	W	W	-
RMF-24	A&F	A&F	A&F	A&F	A or F	A or F	F	F	W	W	W	W	-
RO	A	A	A	A	A	-	A or F	A&F	A or F	W	W	W	-
B-1	A&F	A&F	A&F	A&F	A&F	A&F	A&F ²	A&F ²	A&F ²	A or F	A or F	A or F	-
B-2	A	A	A	A	A	A	-	-	-	-	A or F	A or F	-
C-1	A&W	A&W	A&W	A&W	A&W	A&W	-	-	-	-	A or F	A or F	F
C-2 & I-O	A&W	A&W	A&W	A&W	A&W	A&W	A&F	-	-	-	A or F	A or F	A&F
I-1	B&W	B&W	B&W	B&W	B&W	B&W	A&F	A&F	B or F	B or F	-	-	B&W
I-2	B&W	B&W	B&W	B&W	B&W	B&W	A&F	A&F	B or F	B or F	-	-	B&W
CSR ³	-	-	-	-	-	-	-	-	-	B	B	B	-

Notes

A and B indicate landscape buffer types as described in Exhibit 6.5.D
 F and W indicate a six (6)-foot fence and wall respectively as described in paragraph 1 of section 6.5.F.
 A berm with landscaping is an alternative for a required fence or wall if the total height is a minimum of six feet (6')
 The word "or" means either the landscape buffer or fence/wall may be provided.
 The "&" means that both the landscape buffer and the fence/wall shall be provided.
 Where alleys or streets separate different zone districts, the Director may approve increased landscaping rather than requiring a wall or fence.
 The Director may modify this table based on the uses proposed in any zone district.

³ Only required for multifamily development in RMF-8.

² Only B-1 that includes a residential component adjacent to nonresidential uses or zoning requires "A&F" buffer.

³ Gravel operations subject to buffering adjacent to residential.

Exhibit 6.5.D
BUFFER REQUIREMENTS

Buffer Types	Landscaping Requirements	Location of Buffers on Site
Type A	8 foot wide landscape strip with trees and shrubs	Between different uses Exhibit 6.5.C
Type B	25 foot wide landscape strip with trees and shrubs	Between different uses Exhibit 6.5.C

Note: Fences and walls are required for most buffers.

6.6 OFF-STREET PARKING, LOADING AND BICYCLE STORAGE

A. Off-Street Parking.

1. **Standards.** New off-street parking (new construction and expansion of or changes to existing uses) standards follow. These are in addition to TEDS standards.
2. **Uses Not Identified.** The Director shall determine the parking requirement for a use which is not listed in Table 6.6. The applicant shall provide adequate information so that the Director can make such decision by including:
 - a. Type of uses;
 - b. Number of employees;
 - c. Building design capacity;
 - d. Square feet of sales area, service area, *etc.*;
 - e. On-site parking spaces;
 - f. Proposed off-site parking spaces; and
 - g. Hours of operation.
3. **Multiple Uses.** If there are accessory or multiple uses within one or more structures, these standards shall apply to each use and structure, resulting in a total parking requirement for the complex or property except as provided below (Shared Parking Facilities).
4. **Shared Parking Facilities.** Off-street parking requirements of a given use may be met by off-site off-street parking available on the property of another only if:
 - a. The off-site, off-street parking spaces are within 500 feet of the property except that the distance is 1,000 feet for employee parking;
 - b. Based on information supplied by the applicant, the Director, or other sources, the aggregate parking demands at the highest use time is less than the total parking spaces required; and
 - c. A written lease approved by the Director between the owner of the project and the owner of the off-site parking property is executed and recorded and contains the following terms: a term of at least 20 years; owner of the off-site property shall notify the Director if the lease is terminated prior to the terms; the lease is enforceable by the project owner. Should the lease expire or otherwise terminate, the use for which the off-site parking was provided shall terminate and no owner shall maintain such use without a substitute parking lease, approved by the Director. Continuation or expansion of the use shall be prohibited until the use is brought into compliance with the parking regulations of this Code.
5. **Location.** Except as provided above and in the downtown parking area, all parking shall be provided on the same property as the principal structure, unless the Director deems it impracticable. In a business, commercial or industrial district, the off-site parking must either be in a zone that allows parking as a principal use or be in the same zone as the use creating the parking need. Parking spaces in residential zones shall not be in a front yard setback except for parking in driveways for single family or duplex structures.

In no case shall parking be allowed in parkway strips (the area between the sidewalk and curb or edge of pavement).

6. **Parking Lot Landscaping.** Parking lots shall be landscaped [Section 6.5.C]. In cases of hardship or to increase safety, the Director may permit a portion of the required landscaping to be relocated or allow other deviation from the parking landscaping requirements.
7. **Pedestrian Crossings.** 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. 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.
8. **Parking Lot Lighting Requirements.** Adequate shielded lighting shall be provided for all parking facilities used at night.
9. **Vehicular Traffic Areas.** All driveways and parking areas, except for a single dwelling on one lot, shall comply with the following:
 - a. 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 surface in overflow parking areas, a low traffic storage yard, or as in the next paragraph, 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 ten (10) times per year." A "low-traffic storage yard" is defined as "a storage area generating less than thirty (30) average daily trips."
 - b. 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.
 - c. A temporary parking lot shall be used after the owner has an approved site plan. Temporary parking lots are parking areas, which serve during transition of a property during development and shall not be used for more than twenty four (24) months from issuance of a City site plan for such parking use.
 - d. A temporary parking lot:
 - (1) Is allowed only in B-2 , C-1, C-2, I-1, or I-2 zones and only if a site plan has been approved by the Director;
 - (2) Shall be hard surfaced or gravel;
 - (3) Shall be graded for drainage
 - (4) Shall be maintained in good condition free of weeds, dust, trash and debris;
 - (5) Shall be landscaped and screened;
 - (6) Parking spaces within a gravel lot shall be delineated with concrete "bumper blocks;" and
 - (7) Only used for total of 24 months unless a site plan for a permanent lot usage is approved.

- e. Vehicular traffic areas shall be screened in the same manner as required for parking areas as per Section 6.5.C.
- 10. **Service Stations.** No above-ground equipment at any gasoline service station or retail garage for the service of gasoline, oil, air, water, *etc.* shall be closer than ten feet to any public right-of-way.
- 11. **Required Parking.** Table 6.6 shows the number of parking spaces required for the uses indicated.
- 12. **Downtown Area.** Parking regulations for uses in the downtown area are:
 - a. There is no parking requirement for the reuse or remodel of an existing structure within an existing building envelope.
 - b. There is no parking requirement for new construction replacing an existing use which is entirely within the building envelope which existed as September 30, 1991.
 - c. Parking shall be provided for the additional square feet of any addition to an existing structure outside of the existing building envelope, and other new construction.
 - d. Permanent parking available to the public and within 500 feet (1000 feet for employees) of the proposed construction counts towards the total parking requirement. Unless the Director determines that he has sufficient parking data, the applicant shall, at the time of application, collect parking data and survey information sufficient for the Director to determine if off-site parking is “available.”
 - e. Off-site parking, either public or private, used to meet the parking requirement must be available on the same side of 1st Street as the proposed development.

**Table 6.6
OFF-STREET PARKING REQUIREMENTS**

USE CATEGORIES	SPECIFIC USES	MINIMUM NUMBER OF SPACES	
		VEHICLE SPACES	BICYCLE SPACES
Residential			
Group Living	Nursing Homes; Assisted Living Facility; Treatment Facility; Small Group and Large Group Living Facilities	1 per 4 beds + 1 per each 3 employees	N/A
	Any Other Group Living	1 per 4 beds	N/A
Household Living	Business Residence	1 per residence + business parking	N/A
	Bed and Breakfast	1 per guest room + 2 spaces for owner's portion	N/A
	Rooming/Board House	1 per rooming unit	N/A
	Dormitories/Fraternities/Sororities Residential Subunit, Accessory Dwelling Unit	1 per unit	0.5 per unit N/A
	Single-Family, Duplex, Triplex, and Four-plex Dormitories/Fraternities/Sororities	2 spaces per dwelling unit 1 per 2 beds	N/A 0.5 per unit
	Multi Single-Family, Duplex, Triplex, and Four-plex	1.82 spaces per dwelling unit	0.5 per unit N/A
	All Other Residential Dwellings Multifamily	1.8 per unit	N/A 0.5 per unit
Institutional			
College, Vocational/ Technical Schools	College, Vocational/Technical Schools	1 per 2 students	1 per 5 vehicle spaces
Community Services	Community Center	1 per 250 square feet or 1 per 4 patrons, whichever results in more spaces	1 per 20 vehicle spaces
Cultural	Museums, Art Galleries, Opera Houses, Libraries	1 per 1,000 square feet	1 per 20 vehicle spaces
Day Care	Day Care	1.5 per employee + drop-off/pickup area	N/A
Detention Facilities	Jails, Honor Camps, Reformatories, Law Enforcement Rehabilitation Centers	1 per employee on maximum shift + 1 per service vehicle	N/A
Hospital/Clinic	Hospital/Clinic	1 per 2 beds + 1 per employee	1 per 30 vehicle spaces

USE CATEGORIES	SPECIFIC USES	MINIMUM NUMBER OF SPACES	
		VEHICLE SPACES	BICYCLE SPACES
Parks and Open Areas	Campground	1 space (10'x30') campsite + 1 space (10'x20')/6 camp sites + 4 spaces/laundry & shower facility	N/A
	Golf Course	54 spaces per 9 holes	N/A
	All Other	20 spaces per athletic field or ball diamond or 1 per 4 seats, whichever results in more spaces	1 per 10 vehicle spaces
Religious Assembly	Religious Assembly	1 per 3 seats (one seat = 18")	1 per 30 vehicle spaces
Safety Service	Fire or Police Station; Emergency Response Service	1 per employee + 1 per 300 square feet of office space	3 spaces
Schools	Elementary and Junior Highs	2 per classroom	1 per 10 students
	High Schools	1 per 4 students	1 per 20 students
	Private Schools	1 space per 200 square feet	1 per 20 students
Utilities, Basic	Utilities, Basic	1 per employee	N/A
Commercial			
Office	General Offices; Governmental Offices	1 per 300 square feet	1 per 20 vehicle spaces
	Medical/Dental	4 spaces for each patient room or 1 space per 200 square feet	1 per 20 vehicle spaces
Recreation and Entertainment, Outdoor	Driving Range	1 per 20 feet of driving area	N/A
	Miniature Golf	2 per hole	N/A
	All Other Outdoor Recreation	(varies w/use)	(varies w/use)

USE CATEGORIES	SPECIFIC USES	MINIMUM NUMBER OF SPACES	
		VEHICLE SPACES	BICYCLE SPACES
Recreation and Entertainment, Indoor	Assembly/Auditorium	1 per 4 seats or 1 per 50 square feet if not permanent seats	1 per 20 vehicle spaces
	Amusement Center	1 per 60 square feet	1 per 10 vehicle spaces
	Bowling Alley	4 per lane	1 per 10 vehicle spaces
	Clubs/Lodges	1 per 200 square feet	1 per 30 vehicle spaces
	Health Club/Fitness Center	1 per 200 square feet	1 per 20 vehicle spaces
Drive-Thru Uses (see TEDS Manual for stacking or vehicle storage requirements)	Automated Tellers	N/A	N/A
	Bank, Drive-Thru Facility	N/A	N/A
	Drive-thru Cleaners; Drive-thru Liquor	N/A	N/A
	Fuel: full service no repair/service facility; self-service	1 space per employee on largest shift + 1 space per 200 square feet	N/A
	Restaurant, Drive-In, no indoor seating	+ 1 per employee on largest shift	N/A
	Restaurant, Fast-Food with Drive-In Facilities	1 space per 3 seats	1 per 30 vehicle spaces
Downtown Area	All Uses	See Chapter Nine, Definitions and Section 6.6.A.12	Per adopted plans: Downtown District and Bicycle Plan
Retail Sales and Service	Bars/Nightclubs	1 per two persons	1 per 30 vehicle spaces
	Banks (Branch and Drive-In)	1 per 300 square feet	1 per 20 vehicle spaces
	Convenience Store	1 per 100 square feet	1 per 20 vehicle spaces
	Hotels/Motels; Inns	1 per room + 75 percent of spaces required for other associated uses (e.g., restaurants, bars, office, meeting areas)	N/A

USE CATEGORIES	SPECIFIC USES	MINIMUM NUMBER OF SPACES	
		VEHICLE SPACES	BICYCLE SPACES
Retail Sales and Service, continued	Funeral Home / Mortuary / Crematorium	1 per four seats	N/A
	Restaurants	1 per three seats	N/A
	Shopping Centers < 15,000 square feet >15,000 to 400,000 square feet >400,000 to 600,000 square feet >600,000 square feet + With Theater	1 per 250 square feet 1 per 250 square feet 1 per 225 square feet 1 per 200 square feet add 1 per four seats	1 per 30 vehicle spaces
	Theaters	1 per four seats	1 per 20 vehicle spaces
	New & Used Vehicle Sales, including Recreational Vehicles/Boats	Spaces equal to 10 percent of vehicle display area One space for each 5,000 feet of open sales lot area devoted to the sale, display, and rental of said vehicles and one space for each 300 square feet of gross floor area	N/A
	Other Retail Sales, High Volume, Stand Alone (e.g., supermarkets, clothing and department stores, shopping complexes, hardware building supplies, book stores, big box stores and similar uses)	1 per 200 square feet	1 per 20 vehicle spaces
	Other Retail Sales/Services, Low Volume, Stand Alone (e.g., appliance and sales, repair shops, nurseries, green houses and similar uses)	1 per 500 square feet	1 per 30 vehicle spaces
	Other Service Businesses, Stand Alone (e.g., beauty/barber shops, frozen food lockers, laundries, and similar uses)	1 per 500 square feet	1 per 30 vehicle spaces
Self-Service Storage	Self-Service Storage	1 per eight storage units + 1 per employee on maximum shift	N/A
Vehicle Repair	Vehicle Repair	2 per service bay + 1 per employee	N/A
Vehicle Service, Limited (see TEDS manual for stacking)	Car Wash, Self-Service	see TEDS	N/A
	Car Wash, Full-Service	1 space per employee	N/A

or vehicle storage requirements)	Service Stations; Oil, Lube, Muffler Service	4 per service bay + required stacking spaces	N/A
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USE CATEGORIES	SPECIFIC USES	MINIMUM NUMBER OF SPACES	
		VEHICLE SPACES	BICYCLE SPACES
Vehicle Service, Limited (see TEDS manual for stacking or vehicle storage requirements)	Other Limited Vehicle Service	2 per service bay + 1 per employee	N/A
	Tire, Batteries, Accessory Retailers	1 per 300 square feet	N/A
Industrial			
Industrial Services and Operations	Industrial Services and Operations (e.g., Asphalt Plants, Concrete, Pipe & Culvert Storage)	1.1 per employee or one per each 1,000 square feet of floor area, whichever is greater	1 per 30 vehicle spaces
Manufacturing and Production	Manufacturing and Production	1.1 per employee	1 per 30 vehicle spaces
Warehouse and Freight Movement	Warehouse and Freight Movement	1 per 1.5 employees or 1,000 square feet, whichever results in more spaces	1 per 30 vehicle spaces
Waste Related Use	Waste Related Use, Salvage	1.1 per employee	1 per 30 vehicle spaces
Wholesale Sales	Wholesale Sales	1.1 per employee plus one space per each 500 square feet of floor area open to the public for customer parking, in all cases, a minimum of 2 customer parking spaces	1 per 30 vehicle spaces
Other			
Agriculture	Feed Lots, Farming Airport	None	N/A
Aviation, Surface Passenger Terminals	Airport Terminals, Charter Airplane Terminals, Bus Stations, Train Stations	1 per employee + 1 space per peak embarking passengers	N/A
Mining	Gravel Extraction or Storage, Oil or Gas Drilling or Production	1 per employee + 1 per facility vehicle	N/A
Telecommunication Facilities	Television Station, Radio Station, Cable TV Retailer, Internet Provider, Telephone Switching Station/Offices	1 per employee	N/A

Table 6.6 Notes:

- Each parking space must be accessible independently of others.
- All square feet is gross floor area unless otherwise indicated.
- Spaces for seats or persons is designed capacity.
- A minimum of 3 spaces required for all use requiring bicycle spaces.
- ADA requirements are listed in the TEDS manual and at www.accessboard.gov

13. **Exceptions.** The Director has the authority to increase or decrease the required vehicle or bicycle parking, if:

- a. Expected vehicle or bicycle ownership or use patterns vary from national standards or those typical for the use;
- b. The parking demand varies during the day and week in relation to parking supply; or
- c. The operational aspects of the use warrants unique parking arrangements.

13.14. **Appeals.** An appeal of a Director decision relating to parking will be heard by the Zoning Board of Appeals.

1415. **Dimensions.** Parking stall and aisle dimensions are detailed in TEDS.

1516. **Alternative Bike Parking.** The Director may allow bicycle parking for employees to be located within a structure for security reasons

B. **Loading.** A site plan for a proposed business, commercial or industrial use shall identify loading/unloading areas and shall be built and maintained in accordance with TEDS.

The only Change in Section 6.7 was to bold the title “Street Reserve Strips” in Section 6.7.E.6.

No change in Section 6.8.

CHAPTER SEVEN

SPECIAL REGULATIONS

The substantive changes to Chapter Seven are found in Section 7.4. (Spelling changes not shown here.)

7.4 HISTORIC PRESERVATION

7.4.B.2

Term. Members of the Historic Board shall be appointed by the City Council to serve four (4) year staggered terms from the date of appointment. Members may continue to serve until their successors have been appointed. Appointments to fill vacancies on the Historic Board shall be made by the City Council. All members of the Historic Board shall serve without compensation except for such amounts determined appropriate, in advance, by the City Council to offset expenses incurred in the performance of their duties. Members of the Historic Board may be removed by the City Council without cause being stated.

7.4.G

Review of Alterations. The owner of any historic structure or site 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.

7.4.G.1.c – g

Corrected the lettering of the criteria because “b” had been used twice in a row.

CHAPTER NINE

DEFINITIONS

The substantive changes to Chapter Nine are found in Section 9.32. (Spelling changes not shown here.)

Section 9.32

ACCESSORY USE

AThe use of land or of a building customarily incidental to, subordinate to, and supportive of the principal use of the parcel.

GRAND VALLEY CIRCULATION PLAN (formerly known as Major Street 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.

MOTOR VEHICLE REPAIR SHOP

A shop or place of business used for the repair and maintenance of motor vehicles and other motor vehicle equipment as defined in 42-1-102, C.R.S. The owner of all motor vehicle equipment on the property shall have a valid registration, have a registration or title applied for, or show a work order. Motor vehicle equipment for which the shop operator holds no valid registration or work order shall be classified as junk and shall not be kept, stored or worked on, in or on the property of a motor vehicle repair shop.

OUTDOOR STORAGE

The keeping, in an unenclosed area, unscreened, of any goods, junk, material, merchandise, vehicles and vehicles for repair, in the same place for more than 48 hours. See Section 4.1.I.

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).

SERVICE CLUB

A group of people organized for a common purpose to pursue common goals, interests, or activities, are not commercial in nature, and usually characterized by certain membership qualifications, payment of fees and dues, regular meetings, and a constitution and bylaws.