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**PLANNING COMMISSION WORKSHOP AGENDA
PLANNING CONFERENCE ROOM, CITY HALL, 250 N 5TH STREET
Virtual Meeting link: <https://bit.ly/GJPCW>
THURSDAY, DECEMBER 8, 2022 - 12:00 PM**

Call to Order - 12:00 PM

Other Business

1. Discussion regarding the proposed amendments to the Landscaping and Short Term Rental regulations.

Adjournment



Grand Junction Planning Commission

Workshop Session

Item #1.

Meeting Date: December 8, 2022
Presented By: Felix Landry, Planning Supervisor
Department: Community Development
Submitted By: Felix Landry, Planning Supervisor

Information

SUBJECT:

Discussion regarding the proposed amendments to the Landscaping and Short Term Rental regulations.

RECOMMENDATION:

EXECUTIVE SUMMARY:

The amendments to the Landscaping Code have been scheduled for public hearing, Staff has been working with the Forestry Board, local developers, and the Task Force to work out some final details around the significant tree preservation language. At the November 8th public hearing Planning Commission remanded the proposed Short Term Rental code amendments back to staff for additional public comment. Staff hosted two public input sessions regarding the proposed amendments on November 28th and on December 1st. Staff would like to discuss the Landscaping Code and Short Term Rental Code amendments with Planning Commission members.

BACKGROUND OR DETAILED INFORMATION:

Landscaping Code Amendments:

Most of the proposed amendments to the landscaping code remain the same as previously discussed. Staff has amended language to the definitions and also to the significant tree preservation sections of the ordinance. The definitions section of the ordinance now include the following:

Caliper means the diameter of the tree trunk measured 6 inches above the root ball at time of planting. Caliper is applied only when measuring new plantings.

Diameter at Breast Height (DBH) means the diameter of the tree trunk measured 4.5 feet above the ground on the uphill side of the tree. For split trunk trees that fork below 4.5 feet from the ground, DBH measurements shall be taken at the narrowest point below the fork. For multi-stem trees, which are trees that have more than one trunk at 4.5 feet above ground originating from a common trunk or common root system, DBH measurements shall be taken for each stem at 4.5 feet above the ground and aggregated by adding all values together for a single measurement, to be considered as a single tree for the purposes of this Code. DBH is applied only when measuring existing trees.

Multi Stem Tree means a tree that has one stem at ground level but that splits into two or more stems above ground level. Trees whose stems diverge below ground level are considered separate trees.

Primary Development means any enclosed habitable structure on a permanent foundation, any engineered wall required for orderly development such as retaining walls, underground utilities, required paved surfaces such as roads, trails and/or sidewalks, and any site work required for public safety such as storm drain systems.

Additionally, the language around significant tree preservation has been updated. Trees required to replace significant trees must be placed on site. If the site cannot adequately host the amount of trees required, then the developer may pay a fee to the City to have them planted somewhere on public property. The fee will include the cost of replacement trees and installation.

Short Term Rental (STR) Amendments:

Staff hosted two public input sessions to gather feedback on the proposed STR code amendments. An in-person/virtual meeting occurred on November 28th, from 5:00 pm to 6:30 pm. Approximately 75 people attended this meeting, with around 50 people in person and another 25 people online. Nearly all attendees represented STR operators. The majority of people who offered comments opposed any additional regulations on STRs, including a buffer. The second meeting occurred on December 1st from 4:00 pm to 5:30 pm and included approximately 15 people. The virtual meeting attendees also opposed any additional regulations. Though staff consistently heard requests not to change regulations and that there was "not currently a problem" that could be quantified, staff also heard some support for looking at the downtown area differently than other areas, modifying the proposed buffer and revising how it was measured, support for separating a primary STR from a secondary STR, allowing for different regulations for commercially zoned properties, among other topics that staff will present and seek discussion upon at the workshop.

SUGGESTED MOTION:

Discussion and direction.

Attachments

1. Exhibit 3 - Landscaping Code Strike and Underline
2. Exhibit 2 - STR Code Strike and Underline

21.10.020 Terms defined.

Approved Street Trees for Grand Junction's Rights-of-Way means the list of trees, shrubs, vines, and evergreens in public rights-of-way maintained by the Forestry Board (see Section 8.32.020).

Buffer/Buffering means an object or area with landscaping, including trees, shrubs, a wall, fence, berm, or any combination thereof that serves as a visual and auditory screen between properties.

Colorado Nursery Act means C.R.S. Title 35 Article 26 as amended.

Caliper means the diameter of the tree trunk measured ~~4.5 feet above the ground on the uphill side of the tree or~~ 6 inches above the root ball at time of planting. Caliper is applied only when measuring new plantings.

Canopy drip line means the area directly located under the outer circumference of the tree branches from which water drips onto the ground.

Diameter at Breast Height (DBH) means the diameter of the tree trunk measured 4.5 feet above the ground on the uphill side of the tree. For split trunk trees that fork below 4.5 feet from the ground, DBH measurements shall be taken at the narrowest point below the fork. For multi-stem trees, which are trees that have more than one trunk at 4.5 feet above ground originating from a common trunk or common root system, DBH measurements shall be taken for each stem at 4.5 feet above the ground and aggregated by adding all values together for a single measurement, to be considered as a single tree for the purposes of this Code. DBH is applied only when measuring existing trees.

Evergreen tree means any tree having foliage that persists and remains green throughout the year.

Functional Turf means an area of turf measuring no less than 30 feet in width and length with a minimum area 1,500 square feet for the purposes of common recreational uses open to the public, members of a neighborhood, or clients and/or customers of a commercial or office use.

Graywater treatment works means an arrangement of devices and structures used to: (a) collect graywater from within a building or a Facility; and (b) treat, neutralize, or stabilize graywater within the same building or Facility to the level necessary for its authorized uses. C.R.S 25-8-103(8.4)

Improved area means the developed portion of a property consisting of areas occupied by buildings, asphalt, concrete, gravel, or landscaped area. Where phased development is proposed, the improved area shall be identified and measured separately for each phase of development.

Lot coverage means that area of the lot or parcel which may be occupied by impervious surfaces.

Multi Stem Tree means a tree that has one stem at ground level but that splits into two or more stems above ground level. Trees whose stems diverge below ground level are considered separate trees.

Noxious or invasive species means non-native plants that have a recognized harmful impact on natural habitats and/or are likely to displace native plant species for light, space, soil moisture and nutrients, including those noxious species identified under the Colorado Noxious Weed Act codified at C.R.S. Title 35 Article 5.5, as amended.

Ornamental tree means a tree that has a height and spread between 15 feet and 30 feet at maturity.

Root ball means the mass formed by the roots of a plant and the soil surrounding them at the time of planting.

Rootzone means the area of the ground around the base of the tree where rooting occurs, as measured from the trunk to a distance twice the radius of the canopy drip line.

Shade tree means a tree that has a height and/or spread of 30 feet or greater at maturity.

Primary Development means any enclosed habitable structure on a permanent foundation, any engineered wall required for orderly development such as retaining walls, underground utilities, required paved surfaces such as roads, trails and/or sidewalks, and any site work required for public safety such as storm drain systems.

Suitable Plant List means a list maintained by the Director of plant species and genera approved to be installed in accordance with this code.

Tree canopy coverage means the area of ground directly beneath the leaves and branches of trees.

Turf means grasses planted to form a dense growth of leaf blades and roots, such as Kentucky Blue Grass and similar species used for planting lawns.

Xeriscape or xeriscaping means landscape plantings that reduce the need for irrigation.

21.03.030 Measurements.

(e) Lot Coverage. Lot coverage is measured as the percentage of the total lot area covered by impervious surfaces. It is calculated by dividing the square footage of impervious surface by the square footage of the lot.

21.03.080 Mixed Use Standards.

Mixed Use and Industrial Bulk Standards Summary Table

	R-O	B-1	B-2	C-1	C-2	CSR	M-U	BP	I-O	I-1	I-2
Lot											
Area (min. ft. unless otherwise specified)	5,000	10,000	None	20,000	20,000	1 ac	1 ac	1 ac	1 ac	1 ac	1 ac
Width	50	50	None	50	50	100	100	100	100	100	100
Frontage	None	None	None	None	None	None	None	None	None	None	None
Setback											
Principal structure											
Front (min. ft.)	20	20	0	15	15	15	15	15	15	15	15
Side (min. ft.)	5	0	0	0	0	0	0	0	0	0	0
Side – abutting residential (min. ft.)	0	10	0	10	10	10	10	10	10	10	10
Rear (min. ft.)	10	15	0	10	10	10	10	10	10	10	10
Accessory structure											
Front (min. ft.)	25	25	25	25	25	25	25	25	25	25	25
Side (min. ft.)	3	0	0	0	0	0	0	0	0	0	0
Side – abutting residential (min. ft.)	0	5	0	5	5	5	5	5	5	5	0

Rear (min. ft.)	5	15	0	10	10	10	10	10	10	10	10
Other Dimensional Requirements											
Lot coverage (max.)	70%	80%	100%	80%	80%	75%	80%	80%	80%	90%	90%
Height (max. ft.)	40	40	80	65	65	65	65	65	65	50	50
Density (min. units per acre)	4	8	8	12	n/a	n/a	8	8	n/a	n/a	n/a
Density (max. units per acre)	None	16	None	24	None	None	24	24	None	None	None
** Gross floor area	10,000	15,000	None	None	None	None	None	None	None	None	None
Notes											
B-1: Max. gross floor area varies by use; retail – 15,000 sf (unless a CUP is approved), office 30,000											
B-2: Parking front setback for parking as a principal use – 30 ft., as an accessory use – 6 ft.											
C-1: Min. rear setback – 0 if an alley is present											
CSR: Maximum building height abutting residential – 40 ft.											
** Gross floor area calculated for maximum size may exclude eaves, covered or uncovered porches, upper story decks and balconies, breezeways, exterior covered stairwells and attached decorative walls which are less than or equal to three feet in height.											

21.04.030 Use-Specific Standards

(g) Mini-Warehouse.

- (1) Purpose. This subsection sets standards for the establishment of safe and attractive mini-warehouse developments. These standards apply to all mini warehouses, including those that provide indoor and/or outdoor units.
- (2) Accessory Uses. Accessory uses may include living quarters for a resident manager or security and leasing offices.
- (3) Uses Prohibited.
 - (i) No owner, operator or lessee of any mini-warehouse or portion thereof shall offer for sale or sell any item of personal property, or conduct any type of commercial activity of any kind whatsoever, including such uses as sales, service and repair operations, manufacturing, or

truck/equipment rentals, other than leasing of the units, or permit same to occur upon any area designated for the mini-warehouse use, except that estate or foreclosure sales held by the mini-warehouse owner or operator shall be allowed.

(ii) No outside storage shall be permitted except the storage of licensed vehicles within approved areas designated for such storage. This storage shall meet the requirements of GJMC 21.04.040.

(4) Landscaping and Screening. All mini warehouses shall provide the following in addition to meeting standards of GJMC 21.06.040:

(i) For outdoor mini-warehouse units, landscaping islands shall be provided at the end of each row of storage units when visible from the public right-of-way. Landscape islands shall be planted with shrubs that reach at least five feet of height at maturity.

(5) Off-Street Parking and Driveways Standards.

(i) Drive aisles within outdoor mini-warehouse facilities shall be a minimum of 26 feet wide for single-load aisles and 30 feet for double-load aisles.

(ii) A minimum of two parking spaces shall be provided adjacent to the primary entry structure.

(6) Architectural and Site Design Standards. All mini warehouses shall meet the following standards:

(i) Mini warehouses that front public rights-of-way shall provide a primary entry structure at the entrance of the development that meets the following standards:

(A) No parking shall be placed between the building and the street.

(B) Windows or similar architectural features shall cover at least 30 percent of the street-facing facade.

(C) Building materials such as brick, stone, wood, architectural-grade metal, or similar exterior shall be used.

(D) Two of the following features shall be utilized in the design of the primary entry structure:

a. Tower feature.

b. Facade articulations on the street-facing facade.

c. Roofline articulations in the street-facing facade.

d. Decorative lighting on the street-facing facade. This lighting must comply with all standards found in GJMC 21.06.080.

(ii) Any street-facing facade of each storage unit must be covered with building materials such as brick, stone, wood, architectural-grade metal, or similar exterior.

(7) Signage. All mini warehouses shall provide the following in addition to meeting standards of GJMC 21.06.070:

(i) Individual mini warehouses shall be clearly marked with numbers or letters identifying the individual units and a directory of the unit locations shall be posted at the entrance or office of the facility.

(ii) Signs or other advertising shall not be placed upon, attached to, or painted on any walls or fences required for landscaping and buffering in the mini-warehouse development.

21.06.040 Landscape, buffering and screening standards

(a) **Purpose and Goals.** The purpose of this section is to enhance the aesthetic appeal and context sensitivity of new development, achieve efficient use of water resources, expand urban tree canopy, and contribute to a livable urban environment. Landscaping reduces heat and glare, provides shade for citizens, reduces local and ambient temperatures, buffers and screens cars from adjacent properties, promotes natural percolation of surface waters, improves air quality, and conserves and enhances the value of property and neighborhoods within the City.

(b) Authority.

(1) The Director shall decide all questions of soils, plant selection and care, irrigation installation and other vegetation and landscaping questions, except for trees, shrubs, vines, and evergreens in the right-of-way. The City Forester shall decide all questions of plantings in the right-of-way.

(2) Variances to this section and appeals of administrative decisions (where this code gives the Director discretionary authority) shall be referred to the Planning Commission.

(c) General Landscape Standards

(1) Compliance. All landscaping required by this code shall comply with the standards and requirements of this section. 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 for infrastructure.

(2) Plant Quantities. The amount of landscaping is based on the improved area of proposed development.

(3) Landscaping Standards. All new development must install, maintain, and protect landscaping as required by this code. ~~(See subsection (k) of this section for an example of the landscaping requirements of this section.)~~

Commented [GU1]: These examples are gone

(i) The landscaping requirements of this code shall not apply to a lot on which the principal use is a single family residence or duplex. Requirements for residential subdivisions shall continue to apply.

(ii) Landscaping in the abutting right-of-way is required in addition to overall site landscaping requirements and must be installed and maintained as required by Section 21.06.040(b)(16) of this code.

(iii) Buffer landscaping is required in addition to overall site landscaping requirements as required by this Code.

(4) Acceptable Plant Material.

(i) Vegetation must be suitable for Grand Junction's climate and soils and shall be selected from the City of Grand Junction Suitable Plant List, to be maintained by the Director. Applicants may petition the inclusion of plants not found on the Suitable Plant List and shall provide sufficient information about the proposed species to facilitate review. The Suitable Plan List identifies the anticipated water needs of each plant species. The Director may allow the use of any plant if sufficient information is provided to show suitability including salt tolerance, sun and shade requirements based on planting locations, growth habit, etc. Noxious or invasive species are not allowed to be planted in development but may be preserved in development.

(A) The Director maintains the authority to not approve a plant species that appears on the Suitable Plant List if the Director deems it inappropriate under the planting conditions proposed in a development.

(iii) Plant materials shall meet or exceed the plant quality and species standards of the current American Standard for Nursery Stock and be consistent with the Colorado Nursery Act.

(iv) All plants proposed for installation shall be selected, spaced, and planted appropriately based upon their adaptability to the climatic, geologic, and topographical conditions of the project site.

(v) A minimum 25 percent of the proposed shrubs and ground cover shall be identified as native or native alternative on the Suitable Plants List, and 90 percent of the proposed shrubs and ground cover shall be identified as xeric, xeric-low, xeric-medium, or low water on the Suitable Plants List.

(vi) Turf not meeting the definition of functional turf shall not exceed 15 percent of any required landscaping area in the City of Grand Junction.

(vii) Functional turf may exceed the 15 percent maximum.

(5) Minimum Plant Sizes: All plants shall meet the following minimum plant sizes when installed.

(i) Shade tree, two caliper inches. If two caliper inch shade trees are not available due to seasonal shortages or shortages in desired varieties, the Director may approve the installation of smaller trees, provided the proportional difference in caliper inches is compensated for by installing additional trees. However, a minimum caliper of one and one-half inches shall be required.

(ii) Ornamental tree, one-and-one-half caliper inches.

(iii) Evergreen tree, two caliper inches and six feet tall at time of planting.

(iv) Shrub, #5 container.

(v) Perennials and ground covers, #5 container.

(vi) Turf mix, native grasses and wildflower mix are the only vegetation that may be planted as seed or by plugs. Turf may be planted as sod rolls

<u>Minimum Plant Sizes</u>	
<u>Planting Type</u>	<u>Size at Time of Planting</u>
<u>Shade Tree</u>	<u>Two caliper inches</u>

<u>Ornamental Tree</u>	<u>One-and-one-half caliper inches</u>
<u>Evergreen Tree</u>	<u>Two caliper inches and six feet tall</u>
<u>Shrub</u>	<u>#5 Container</u>
<u>Perennial</u>	<u>#1 Container</u>
<u>Groundcover</u>	<u>#1 Container</u>
<u>Turf</u>	<u>As seed, by plug, or as sod roll</u>

(6) Irrigation. All vegetation and landscaped areas must be provided with a permanent irrigation system including a system supplied by water from an approved graywater treatment works.

(i) Non-potable irrigation water shall be used if available for the proposed development area ~~unless the Director allows the use of potable water.~~

(ii) An underground pressurized irrigation system and/or drip system is required for all landscape areas.

(iii) If connected to a potable water system, all irrigation systems require State-approved backflow prevention devices.

(iv) All irrigation for non-potable irrigation water systems must have adequate filters easily accessible above ground or within an appropriately sized valve box.

(v) 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.

(vi) Irrigation applied to trees shall be expanded or supplemented as appropriate to rootzone expansion over the life of the tree.

(7) Landscape Plans.

(i) All applications for development shall identify the required landscaped areas and include a landscape plan in accordance with the requirements in this section.

(ii) All landscaping shall be installed, maintained, and protected as shown on the approved plan.

(iii) All changes to the landscape plan require prior written approval from the Director.

(iv) An equivalent species may be substituted in the field with prior written approval of the Director. Plants are “equivalent” if they have the same growth habit and rate, same cover, leafing, shade characteristics and function, have similar water requirements as identified as the City of Grand Junction Suitable Plants List, and thrive in the same microclimate, soils and water conditions.

(v) All development plans shall designate required landscaping areas.

(vi) Landscape plans shall identify the species and sizes of vegetation.

(vi) Landscape plans shall be stamped by a landscape architect licensed in the State of Colorado. Inspection and compliance with approved landscape plan must be certified by a licensed landscape architect prior to issuance of a certificate of occupancy, or the release of DIA security funds. ~~Additionally, the property owner or irrigation installer must provide a letter describing that adequate additional capacity exists in the irrigation system to support the landscaping materials at maturity prior to issuance of a certificate of occupancy or the release of DIA security funds.~~

(A) A licensed landscape architect is not required to produce landscape plans if the plans are submitted for a Minor Site Plan review unless required by State statute. All other requirements continue to apply to landscaping for Minor Site Plans.

(viii) All landscape plans shall include an irrigation plan. Irrigation plans shall be certified by an irrigation design professional who has been certified through the Irrigation Association (CID), or a similar EPA WaterSense labeled certification program. This certification will be required on all irrigation plans no later than three years after the adoption of this ordinance. The irrigation plan shall also comply with the standards in the SSID manual. See GJMC 21.06.010(c).

(ix) Utility composite plans must be submitted with landscape plans.

(x) Expansion of a developed site as defined in GJMC 21.02.100(f) that requires a Site Plan Review shall require a landscaping plan and correction of nonconforming landscaping as provided in GJMC 21.08.040.

(xi) Tree protection measures shall be clearly identified on the construction and landscape plans.

(xii) Wall and fence elevations and typical cross sections must be submitted with the landscape plan at a minimum scale of one-half inch equals one foot.

(8) Preservation of Significant Trees.

(i) Existing landscape features such as escarpments, large trees or stands, heavy vegetative cover, ponds and bluffs shall be identified by the Applicant as part of the development review process. This identification shall include a written surveyed inventory of significant trees to be produced with a landscaping plan. Any significant tree as defined in subsection (b) below to be preserved during development shall be indicated identified on the proposed landscaping plan.

(ii) All trees not identified as included excluded prohibited on the Suitable Plants List and that has have a diameter that exceeds exceeding 15 caliper inches diameter at breast height, in fair or better condition, free from irreparable structural defects, and not infested with a disease or pestilence that threatens the good health of other trees as determined by a certified arborist shall be considered significant.

(iii) Where significant trees exist on a property, no fewer than 30 percent of significant trees shall be preserved during development. Significant trees that are removed shall be replaced at a rate of one caliper inch of tree per two caliper inches in diameter at breast height of the significant tree to be removed, in addition to new tree plantings otherwise required by this Code. See GJMC 21.06.040(h)(6) for credit applied to preserved trees.

(iv) Significant trees to be preserved shall be visibly healthy and free from disease or parasite infection.

(v) If the 30 percent% minimum preservation requirement impedes the proposed Primary structural dDevelopment of a site, then the Director may grant a 10 percent% adjustment of the minimum setbacks, lot size, parking lot interior landscaping, and parking count requirements. Also, the City Forester may adjust the drip line protection standards described in (vi)(A) of this section up to 40 percent% so to allow for additional flexibility for the development to occur around the identified significant trees. If these percent% adjustments does not provide a means of developing the site with the preservation of the minimum required significant treestrees, then, at the developer's discretion, the developer may pursue one or a combination of the following:

(A) Replace the required significant trees on-site at a ratio of three caliper inches per five inches in diameter at breast height of significant tree removed with trees identified as preferred trees on the Suitable Plants

~~List, and/or. If trees cannot be successfully planted on-site, replacement trees can be planted on City-owned public property, and/or.~~

~~(B) Pay a fee in lieu of replanting the required on-site replacement trees. Tree In-lieu Payment. Utilizing the Trunk Formula Method published by the Council of Tree and Landscape Appraisers to determine the value of the tree. The developer shall pay to the City the value of the required replacement tree(s) not planted on site, along with the total cost of installation. to be removed and subsequently remove the tree(s). The determination of the value of the tree removed shall be made by a certified arborist and shall be subject to approval by the Director. The City shall use this payment for planting to purchase the required replacement trees not planted on-site and plant them trees of a comparable size and value on public property.~~

(vi) Features to be preserved shall be protected throughout site development. No person shall kill or damage a landscape feature required to be preserved by this section. The developer shall protect trees from compaction.

(A) During construction, existing plant material to be preserved shall be enclosed by a temporary fence at least five feet outside the canopy dripline. In no case shall vehicles be parked, or materials or equipment be stored or stockpiled within the enclosed area.

(B) Irrigation shall be provided to trees preserved during construction of sufficient quantity to ensure their health and survival.

(C) If a significant tree which was to be preserved dies or is substantially damaged, the developer shall replace it at the rate of ~~one newly planted tree~~ three caliper inches of new tree per ~~2~~ five caliper-inches in diameter at breast height of damaged or destroyed tree.

(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 conflicts with the landscaping provisions, the Director may approve an equivalent alternative.

(11) Sight Distance. The owner shall maintain all vegetation, fences, walls and berms so that there is no sight distance hazard nor road or pedestrian hazard (see TEDS).

(12) Soil and Planting Beds. Soil in landscape areas must be amended and all vegetation planted in accordance with good horticultural practices.

(i) Details for the planting of trees, shrubs and other vegetation must be shown on the landscaping plans.

(ii) 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.

(iii) Organic mulch to a minimum of 3 inches is required for all shrub beds.

(iv) Prior to planting, compacted soils shall be transformed to a friable condition.

(v) Compost, soil amendments, or retained topsoil shall be incorporated into the soil to a minimum depth of 6 inches for tree and shrub plantings.

(13) Trees.

(i) Tree canopies may overlap by up to 30 percent of the diameter of the tree at maturity. Tree clustering may be allowed with some species so long as clustering does not adversely affect the mature canopy.

(ii) Trees which will grow to a height of greater than 25 feet at maturity shall not be planted under overhead electrical lines.

(iii) Weed fabric shall not be used within 8 feet of the base of a tree.

(iv) At planting, tree shall be healthy and free of disease. Tree trunks must be reasonably straight with minimal doglegs. Roots shall be checked prior to planting and corrected for optimal growth patterns.

(v) Wire baskets, burlap wrappings, rope, twine or any similar shipping materials shall be removed before planting.

(vi) Tree planting holes shall be of sufficient depth so that the flare of the tree above the root ball is no higher than 1 inch above grade.

(vii) Tree planting holes shall be of a diameter no less than three times the diameter of the tree's root ball at time of planting.

Commented [GU2]: Felix - It may not be appropriate to prohibit weed fabric entirely. I think we may need be pretty specific about this - Susan's position is not universally held.

(viii) The minimum square footage of planting area for a shade tree is 140 square feet.

(ix) Ornamental trees shall be planted in a landscape strip that is no less than six feet in width (not including curb and gutter). Shade trees shall be planted in a landscape strip that is no less than eight feet in width (not including curb and gutter).

(x) Tree Diversity. The percent of any one type of tree that can be planted in a development shall be as follows:

(A) 0 through 5 trees: No limitation.

(B) 6 to 10 trees: No more than 50 percent of one genus.

(C-) 11 to 20 trees: No more than 33 percent of one genus

(DC) 21 or more trees: No more than 20 percent of one genus.

(xi) A minimum of 50 percent of proposed tree plantings shall ~~be identified as have a preferred New Planting status trees by on~~ the Suitable Plants List ~~and no more than 15 percent of the proposed trees shall be identified as excluded~~ have a limited New Planting status on the Suitable Plants List.

(xii) Trees shall not be planted near a light pole if eclipsing of light will occur at maturity. Placing light poles in the parking lot, away from landscape areas and between parking bays, helps eliminate this conflict and should be considered.

(xiii) When calculating tree quantities, any fraction of a tree is rounded up to the next whole number.

(14) Shrubs.

(i) A minimum 25 percent of the proposed shrubs and ground cover shall be identified as native or native alternative on the Suitable Plants List, and 90 percent of the proposed shrubs and ground cover shall be identified as xeric, xeric-low, xeric-medium, or low water on the Suitable Plants List.

(ii) Shrub Diversity. The percent of any one type of shrub that can be planted in a development shall be as follows:

(A) 10 through 19 shrubs: 50 percent per genus.

(B) 20 through 39 shrubs: 33 percent per genus.

(C) 40 or more shrubs: 25 percent per genus.

(iii) When calculating shrub quantities, any fraction of a shrub is rounded up to the next whole number.

(iv) The minimum area for planting an evergreen or deciduous shrub is 16 square feet.

(15) Maintenance:

(i) The owners, tenants, and occupants, including homeowners' associations, for all new and existing uses in the City must maintain landscaping in a healthy, growing, neat and well-maintained condition:

(A) Maintenance includes watering, weeding, pruning, fertilization, pest control, trash and litter removal, replacement of dead or diseased plant material, reseeding, and other reasonable efforts.

(B) Any plant that dies or substantially damaged due to improper maintenance must be replaced with an equivalent live plant within 90 days of plant death or by the next April 1st.

(iv) Hay mulch used during the preparation or establishment of landscaping must be certified weed-free by the Colorado Department of Agriculture.

(v) The Director or designee may from time to time, inspect the condition of landscaping wherever no reasonable expectation of privacy exists.

(A) The purpose of such site inspections shall be to verify that all required landscaping has been maintained in a healthy, growing, neat and well-maintained condition. Property owners shall be notified of necessary corrective action for failure to comply with the maintenance provisions of this section.

(vi) Maintenance of landscaping in unimproved rights-of-way shall be the responsibilities of owners, occupants, and tenants.

(v) Fire hydrants shall not be unobscured by plant material. Fire hydrants shall be visible from the center of the right-of-way at an angle of 45 degrees.

(vi) These requirements shall be specified in the articles of incorporation or bylaws for a homeowners' association whenever the homeowners' association is assigned the responsibility of maintaining landscape areas.

(16) Public Right-of-Way

(i) All unimproved right-of-way adjacent on the side abutting a development which is not in the City's ten-year capital plan to be improved must be landscaped. All right-of-way landscaping shall be irrigated and maintained by the adjoining private property owner, unless the City agrees to accept it for maintenance. If it is to be maintained by the City, a separate irrigation system shall be provided.

(ii) At least 75 percent of the unpaved adjacent right-of-way shall be landscaped with low shrubs or ground cover. No more than 15% of the right-of-way shall be landscaped with turf.

(iii) For the purpose of meeting minimum plant quantities, 50 percent of landscaping plantings on public right-of-way shall be counted toward the landscape or open space requirements of this code, unless specifically provided otherwise in this Code.

(iv) The owner of the nearest property shall keep all rights-of-way, which are not hard surfaced, free of weeds, litter, junk, rubbish, and obstructions. To prevent weed growth, erosion and blowing dust, right-of-way areas not covered by vegetation or paving shall be covered with organic mulch, wood chips, or similar natural materials.

(v) The right-of-way landscaping between the curb and sidewalk shall contain street trees spaced every 40 feet. Right-of-way landscaping shall be a minimum of eight feet wide in any direction.

(vi) No tree shall be removed from the public right-of-way without the approval of the City Forester. Trees removed from the right-of-way without approval shall be subject to penalties per GJMC 9.04.100.

(vii) Trees planted in the public right-of-way shall be of species identified on the list of Approved Street Trees for Grand Junction's Rights-of-Way.

(17) Pervious Coverage. Landscaped and buffer areas shall count toward the pervious surfaces included in lot coverage calculations.

(c) **Parking Lots.** The requirements of this subsection are applicable to all public and private parking areas but not to automobile display areas for automobile dealerships (General Retail Sales, Outdoor Operations, Display or Storage) and self-service storage as defined in GJMC 21.04.

(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:

(i) One landscaped island, parallel to parking spaces, is required for each 20 parking spaces

(ii) Landscape islands must be at least 140 square feet. The narrowest/smallest dimension of a parking lot island shall be eight feet, measured from back of curb to back of curb.

(iii) One 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.

(iv) A landscape island is required at the end of every row of parking spaces, regardless of length or number of spaces.

(v) 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.

(vi) Landscaping of the interior of a parking lot shall include trees and shrubs.

(vii) To improve the management of stormwater runoff, structurally-sound permeable pavers may be used in parking areas, subject to the approval of the Director. Use of permeable pavers for ten parking stalls shall result in a reduction of one required parking stall per the required parking ratios in GJMC 21.06.050.

(viii) Trees planted in parking lot islands shall be selected from those identified as Parking Lot Island Trees on the Plant List.

(ix) A minimum 25 percent of the proposed shrubs and ground cover shall be identified as native or native alternative on the Suitable Plants List, and 90 percent of the proposed shrubs and ground cover shall be identified as xeric, xeric-low, xeric-medium, or low water on the Suitable Plants List.

(x) The use of bioswales in parking lot designs is encouraged to facilitate stormwater management.

(2) Parking Lot Perimeter. Landscaping is required around the entire perimeter of a parking lot to assist in the abatement of heat and to reduce the amount of glare from glass and metal, and to assist in the screening of cars from adjacent properties. The perimeter of a parking lot is defined as the curb line defining the outer boundaries of the parking lot, including dumpster enclosures, bike racks, or other support facilities that are adjacent to the outer curb. Entry drives between a parking lot and the street, drives connecting two internal parking lots or building entry plazas are not included in the perimeter area. The requirements of this

subsection are applicable to all public and private parking areas but not to automobile display areas for automobile dealerships (General Retail Sales, Outdoor Operations, Display or Storage) and self-service storage as defined in GJMC 21.04.

(i) Screening shall occur between a street and a parking lot. When screening is required, street frontage landscape shall apply. (See subsections (c)(3) and (l) of this section.)

(ii) The minimum dimension allowed for the parking lot perimeter landscape strip is 8 feet.

(iii) Landscaping along the perimeter of parking lots shall include trees and shrubs.

(iv) Parking lots shared by more than one owner shall be landscaped around the perimeter of the combined lots.

(v) A minimum 25 percent of the proposed shrubs and ground cover shall be identified as native or native alternative on the Suitable Plants List, and 90 percent of the proposed shrubs and ground cover shall be identified as xeric, xeric-low, xeric-medium, or low water on the Suitable Plants List.

(3) Screening. All parking lots abutting rights-of-way, entry drives, and adjacent properties must be screened. For this subsection, a "screen" means a berm with appropriate groundcover or shrubs.

(i) A 30-inch-high screen is required along 70 percent of parking lots abutting rights-of-way, entry drives, and adjacent properties, excluding curb cuts. The 30-inch screen shall be placed so as to maximize screening of the cars in the parking lot, when viewed from the right-of-way and shall be measured from the ground surface, or the elevation of the roadway if the adjacent road is higher than the property.

(ii) Screening shall not be required between parking lots on adjoining lots where the two lots are designed to function as one.

(iii) If a landscape area is 30 feet wide or greater between a parking lot and a right-of-way, the 30-inch-high screen is not required. This 30-foot-wide or greater area must be 75 percent covered in plant material including tree canopy coverage, shrubs, and groundcover at maturity

(iv) A screen wall must not be taller than 30 inches, unless the adjacent roadway is higher than the property, in which case the screen wall shall be 30 inches higher than the adjacent roadway.

- (v) The back of the wall must be at least 30 inches from the face of curb for bumper overhang.
- (vi) Shrubs shall be planted on the street side of the wall.
- (vii) There must be at least five feet between the right-of-way and the paved part of a parking lot to use a wall as a screen.
- (viii) 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.
- (ix) Shrub plantings in front of a wall are not required in the B-2 downtown district.
- (x) A minimum 25 percent of the proposed shrubs and ground cover shall be identified as native or native alternative on the Suitable Plants List, and 90 percent of the proposed shrubs and ground cover shall be identified as xeric, xeric-low, xeric-medium, or low water on the Suitable Plants List.

(d) **Street Frontage Landscape.**

- (1) Within all zones (except single-family uses in single-family, B-2 and form based zone districts), the owner shall provide and maintain a minimum 14-foot-wide street frontage landscape adjacent to the public right-of-way.
- (2) A minimum of 75 percent of the street frontage landscape shall be covered by plant material at maturity.
- (3) Landscaping within the street frontage shall include trees and shrubs. If detached walks are not provided with street trees, street trees shall be provided in the street frontage landscape, including one tree for every 40 feet of street frontage.
- (4) A minimum 25 percent of the proposed shrubs and ground cover shall be identified as native or native alternative on the Suitable Plants List, and 90 percent of the proposed shrubs and ground cover shall be identified as xeric, xeric-low, xeric-medium, or low water on the Suitable Plants List.

(e) **Buffers.**

- (1) Buffers shall be provided between different zoning districts as indicated in subsection (j) of this section.

(i) 75 percent of each buffer area shall be landscaped with shrubs or ground cover at maturity.

(ii) One tree is required per every 40 linear feet of boundary between different zones.

(iii) A minimum 25 percent of the proposed shrubs and ground cover shall be identified as native or native alternative on the Suitable Plants List, and 90 percent of the proposed shrubs and ground cover shall be identified as xeric, xeric-low, xeric-medium, or low water on the Suitable Plants List.

(2) Exceptions.

(i) Where residential or collector streets or alleys separate zoning districts, the Director can require more landscaping instead of a wall or fence.

(ii) 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.

(iii) 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. When a higher density or intensity zoning district abuts a lower density or intensity zone district, it is the responsibility of the higher density or intensity property to buffer the abutting zone district according to subsection (j) of this section. When an existing fence or wall substantially meets the requirements of this section, and subsection (j) of this section requires the same form of buffering, an additional fence on the adjacent developing property shall not be required. However, if the new development requires the placement of a wall, and a fence exists on the adjacent property, the wall shall be required. If a wall is required and a fence is in place, the wall must be placed adjacent to the fence. (Subsection (j) of this section 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 must comply with GJMC 21.04.040(i), any design guidelines and other conditions of approval. Fences and walls required by this section must meet the following:

(i) Maximum height: six feet (outside of front setback, 30-inch solid height or four feet height if two-thirds open within the front setback and must meet all sight distance requirements).

(ii) Fence type: solid wood or material with a similar appearance, finished on both sides.

(iii) 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.

(iv) Location: within three feet of the property line unless the space is needed to meet landscaping requirements.

(v) A wall must have a column or other significant architectural feature every 30 feet of length.

(vi) Any fence or wall over six feet in height requires a building permit.

(vii) 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:

(i) Maximum slope of 4:1 for turf areas and 3:1 for shrub beds; and

(ii) 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 Director may require perimeter enclosures (fences and/or walls) around all or part of the perimeter of a residential development. Perimeter enclosures shall be designed to meet the following objectives of protecting public health, safety and welfare: screen negative impacts of adjoining land uses, including streets; protect privacy; maintain a consistent or complementary appearance with enclosures in the vicinity; maintain consistent appearance of the subdivision; and comply with corridor overlay requirements.

(2) Applicability. When required by the Director, the standards of this subsection shall apply to all residential subdivisions as well as to all mixed-use subdivisions where the square footage of proposed residential uses exceeds the square footage of proposed non-residential uses.

(3) Specifications. Unless specified otherwise at the time of final approval:

(i) A perimeter enclosure includes fences, walls or berms, and combinations thereof, located within five feet of the exterior boundary of a development.

(ii) The maximum height is six feet, including within front setbacks; however, an enclosure constructed on a berm shall not extend more than eight feet above the adjoining sidewalk or crown of road, whichever is lower.

(iii) New enclosures shall be compatible with existing enclosures in the vicinity if such enclosures meet the requirements of this code.

(iv) A perimeter enclosure more than six feet in height is a structure and requires a building permit.

(v) A perimeter wall must have a column or other significant architectural feature every 30 feet.

(vi) A minimum 25 percent of the proposed shrubs and ground cover shall be identified as native or native alternative on the Suitable Plants List, and 90 percent of the proposed shrubs and ground cover shall be identified as xeric, xeric-low, xeric-medium, or low water on the Suitable Plants List.

(4) Required Perimeter Enclosures. The decision-maker may require a perimeter enclosure as a condition of the final approval if:

(i) Use or enjoyment of property within the development or in the vicinity of the development might be impaired without a perimeter enclosure.

(ii) A perimeter enclosure is necessary to maintain a consistent and complementary appearance with existing or proposed perimeter enclosures in the vicinity.

(iii) A perimeter enclosure is necessary to control ingress and egress for the development.

(iv) A perimeter enclosure is necessary to promote the safety of the public or residents in the vicinity.

(v) A perimeter enclosure is needed to comply with the purpose, objectives or regulations of the subdivision requirements.

(vi) A perimeter enclosure is needed to comply with a corridor overlay district.

(5) Residential Subdivision Landscape Buffer. On the outside of a perimeter enclosure adjacent to a right-of-way, a 14-foot-wide (on average) landscape buffer shall be provided between the perimeter enclosure and the right-of-way for major and minor arterial streets and major or minor collectors. A five-foot-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.

(i) In the landscape buffer, one tree per 40 linear feet of perimeter must be provided;

(ii) All perimeter enclosures and landscape buffers must be within a tract dedicated to 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;

(iii) A minimum of 75 percent of the landscape buffer area shall be covered by plant material including tree canopy coverage, shrubs, and groundcover at maturity.

(iv) A minimum 25 percent of the proposed shrubs and ground cover shall be identified as native or native alternative on the Suitable Plants List, and 90 percent of the proposed shrubs and ground cover shall be identified as xeric, xeric-low, xeric-medium, or low water on the Suitable Plants List.

(v) Where detached walks are provided, a minimum buffer of five feet 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 owners' association or by individual owners. The perimeter enclosure shall be identified on the plat.

(8) Alternative Construction and Ownership. If the Director finds that a lot-by-lot construction, ownership and/or maintenance of a perimeter enclosure landscape strip would meet all applicable objectives of this section and the design standards of GJMC 21.06.060, approved plans shall note the type and size of materials, placement of fence posts, and length of sections.

(9) Overlay District Conflicts. Where in conflict, the perimeter enclosure requirements or guidelines of approved overlay districts shall supersede the requirements of this section.

(h) Substitutions. The requirements outlined in GJMC 21.06.040(i) above may be varied based at the following rates of substitution.

(1) Required trees may be substituted for shrubs and required shrubs may be substituted for trees at a rate of three shrubs equaling one caliper inch of tree. For example: 3 two-inch caliper trees equaling 6 caliper inches may be exchanged for 12 shrubs, or vice versa.

(i) No more than 30 percent of the number of trees required by GJMC 21.06.040(j) may be substituted for shrubs.

(2) Two #5 container shrubs may be substituted for four linear feet of wall when walls are required per GJMC 21.06.040(c)(3). Shrubs substituted for walls must reach a height of at least 30 inches at maturity.

(3) Ten percent of the required shrubs may be converted to perennials and/or ground covers at a ratio of three #1 container perennials and/or ground covers for one #5 container shrub.

(4) The number of shrubs may be reduced in exchange for additional trees or tree size at a rate of three shrubs per caliper inch.

(5) Existing trees preserved during development shall count toward the total tree requirement at a ratio of two ~~caliper~~ inches in diameter at breast height of preserved tree to one caliper inch of required tree plantings.

	Tree	Shrub	Groundcover/Perennials	Wall
Tree	Two caliper inches <u>in diameter at breast height of</u> preserved tree to one caliper inch <u>of</u> required <u>new trees</u>	Three shrubs for one caliper inch of tree	n/a	n/a
Shrub	Three shrubs for one caliper inch of tree	n/a	Three #1 container perennials and/or ground cover for one #5 container shrub	Two #5 container shrubs (minimum 30 inches in height) for four linear feet of wall

Groundcover/Perennials	n/a	Three #1 container perennials and/or ground cover for one #5 container shrub	n/a	n/a
Wall	n/a	Two #5 container shrubs (minimum 30 inches in height) for four linear feet of wall	n/a	n/a

(i) **I-1 and I-2 Zone Landscape.**

(1) **Parking Lot Perimeter Landscape.** Landscaping for the parking lot perimeter shall be per subsection (c)(2) of this section with the following addition:

(i) A minimum of 75 percent of the parking lot perimeter landscape shall be covered by plant material including tree canopy, shrubs, and groundcover at maturity.

(ii) A minimum 25 percent of the proposed shrubs and ground cover shall be identified as native or native alternative on the Suitable Plants List, and 90 percent of the proposed shrubs and ground cover shall be identified as xeric, xeric-low, xeric-medium, or low water on the Suitable Plants List.

(2) **Street Frontage Landscape.** Landscaping for the street frontage shall be per subsection (d) of this section with the following additions:

(i) One tree for every 40 linear feet of street frontage (excluding curb cuts) must be provided, 70 percent of which must be shade trees.

(ii) A minimum 25 percent of the proposed shrubs and ground cover shall be identified as native or native alternative on the Suitable Plants List, and 90 percent of the proposed shrubs and ground cover shall be identified as xeric, xeric-low, xeric-medium, or low water on the Suitable Plants List.

(3) **Public Right-of-Way Landscape.** Landscaping for the public right-of-way shall be per subsection (b)(17) of this section.

(4) Maintenance. Each owner or the owners' association shall maintain all landscaping.

(5) Other Applicable Sections. The requirements of subsections (j) and (k) of this section shall also apply.

(i) **Landscaping Requirements.**

Zoning of Proposed Development	Landscape Requirement	Location of Landscaping on Site
Single-family residential (R zones)	As required for uses other than single-family residential; and as required in subsections (b)(16) and (g) of this section	As required for uses other than single-family residential; and landscape buffer and public right-of-way
R-5, R-8, R-12, R-16, R-24, R-0, B-1, C-1, C-2, I-O, CSR, MU	Two caliper inches of tree per 3,000 square feet of improved area, with no more than 40 percent of the total being ornamental trees or evergreens. One #5 container shrub per 450 square feet of improved area	Buffer, parking lot, street frontage perimeter, foundation plantings and public right-of-way
B-2	Two caliper inches of tree per 3,000 square feet of improved area, with no more than 40 percent of the total being ornamental trees or evergreens. One #5 container shrub per 450 square feet of improved area	Parking lot, park strip (in right-of-way)
I-1, I-2	As required in subsection (h) of this section and in other subsections of this section where applicable	Street frontage, parking lots, buffers and public right-of-way
MXR, MXG, MXS, MXOC	Two caliper inches of tree per 3,000 square feet of improved area, with no more than 40 percent of the total being ornamental trees or evergreens. One #5 container shrub per 300 square feet of improved area. Plantings must be evenly distributed throughout the development	Buffer, parking lot, street frontage perimeter, foundation plantings and public right-of-way

Zoning of Proposed Development	Landscape Requirement	Location of Landscaping on Site
Facilities: mining, dairy, vineyard, sand or gravel operations, confined animal feeding operation, feedlot, forestry commercial, aviation or surface passenger terminal, pasture	Two caliper inches of tree per 5,000 square feet of improved area. One #5 container shrub per 600 square feet of improved area	Perimeter, buffer and public right-of-way

(j) Buffering Between Zoning Districts.

Zoning of Proposed Development	Zoning of Adjacent Property																	
	SF	R-5	R-8	R-12 R-16	R-24	R-O & MXOC	B-1	B-2	C-1	C-2 I-O	I-1	I-2	M-U	CSR	BP	MXR-	MXG-	MXS-
SF (Subdivisions)	-	-	-	-	-	-	F	-	F	W	W	W	F	-	F	-	-	-
R-5	-	-	-	-	-	-	F	-	F	W	W	W	-	-	F	-	-	-
R-8	-	-	-	-	-	F	F	-	F	W	W	W	F	-	F	A	-	-
R-12 & R-16	-	-	-	-	-	-	F	-	W	W	W	W	F	-	F	A	-	-
R-24	-	-	-	-	-	-	F	-	W	W	W	W	F	-	F	A	-	-
RO & MXOC	A	A	A	A	A	-	A or F	-	A or F	W	W	W	A or F	-	A or F	A	-	-
B-1	F	F	F	A or F	A or F	A or F	A or F	-	A or F	A or F	A or F	A or F	A or F	-	A or F	A	-	-
B-2	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
C-1	A&W	W	W	W	W	W	W	-	-	-	-	-	-	-	-	-	-	-
C-2 & I-O	W	W	W	W	W	W	W	F	-	-	-	-	A or F	A or F	A or F	A&W	-	-
I-1	W	W	W	W	W	W	W	F	-	-	-	-	A or F	B&W	A or F	B&W	A or F	A or F
I-2	B&W	W	W	W	W	W	W	F	-	-	-	-	A or F	B&W	A or F	B&W	A or F	A or F
M-U	A or F	A or F	A or F	A or F	A or F	A or F	A or F	-	A or F	A or F	A or F	A or F	-	-	-	-	-	-
CSR3 ¹	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-

Zoning of Proposed Development	Zoning of Adjacent Property																	
	SF	R-5	R-8	R-12 R-16	R-24	R-O & MXOC	B-1	B-2	C-1	C-2 I-O	I-1	I-2	M-U	CSR	BP	MXR-	MXG-	MXS-
BP	A or F	A or F	A or F	A or F	A or F	A or F	A or F	-	-	-	-	-	-	-	-	A or F	A or F	A or F
MXR-	-	-	-	-	-	-	F	-	-	W	W	W	F	-	F	-	-	-
MXG-	-	-	-	-	-	-	F	-	-	W	W	W	F	-	F	-	-	-
MXS-	-	-	-	-	-	-	F	-	-	W	W	W	F	-	F	-	-	-
Notes •A berm with landscaping is an alternative for a required fence or wall if the total height is a minimum of six feet. •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. † Gravel operations subject to buffering adjacent to residential.																		

(k) **Buffer Requirements.**

Buffer Types	Landscaping Requirements	Location of Buffers on Site
Type A	Eight-foot-wide landscape strip with trees and shrubs	Between different uses
Type B	15-foot-wide landscape strip with trees and shrubs	Between different uses
Type F, W	Six-foot fence and wall (see subsection (f) of this section)	Between different uses

Note: Fences and walls are required for most buffers.

(Ord. 4646, 11-19-14; amended during 2010 codification; Ord. 4419, 4-5-10)

STR Regulations:

Chapter 21.10 Definitions

Short-term rental is a type of lodging wherein a residential dwelling unit, on a permanent foundation, either in full or in part, is rented to a temporary occupant(s) for monetary consideration for fewer than 30 consecutive days. A bed and breakfast and a home used similar to a rooming/boarding house but where stays are fewer than 30 consecutive days is also a short-term rental. is, for purposes of this title, a type of short-term rental. Likewise, a home used similar to a rooming/boarding house but where stays are fewer than 30 consecutive days is also a short-term rental. Short-term rental does not include shelters or other transient lodging as defined as a community service use.

Short-term rental, Primary is a short-term rental that makes available for rent ~~the~~ full (eg. all bedrooms) principal dwelling unit — Primary STR – means when an entire residential dwelling unit is available for short term rental and the property owner a permanent resident long-term tenant does not live on site.

Short-term rental, — Secondary STR is a ~~— means when a residential~~ short-term rental that makes available for rent a portion of a principal dwelling unit or an accessory dwelling unit. is provided for STR operations, and a long term long-term tenant the owner of the property lives on site.

(h) **Short-Term Rentals.**

(1) Purpose. The purpose of this regulation is to allow short-term rentals in certain zone districts in the City with a permit and with regulation to assist in protecting the health, safety, and welfare of property owners, neighbors, and occupants.

(2) Applicability. These regulations apply to all uses meeting the definition of short-term rental. Private covenants running with land may restrict or prohibit short-term rentals; it is the responsibility of the property owner, not the City or any employee or agent thereof, to ensure compliance with restrictive covenants.

~~(3) Definitions. Short-term rental is a type of lodging wherein a dwelling unit, either in full or in part, is rented to a temporary occupant(s) for monetary consideration for fewer than 30 consecutive days. A bed and breakfast is, for purposes of this title, a type of short-term rental. Likewise, a home used similar to a rooming/boarding house but where stays are fewer than 30 consecutive days is also a short-term rental. Short-term rental does not include shelters or other transient lodging as defined as a community service use.~~

(4) Permit Required. No person or entity shall sell lodging to a temporary occupant(s) of a dwelling unit for fewer than 30 consecutive days without first having obtained a short-term rental permit issued by the City and complying with any conditions or restrictions thereof. A short-term rental permit is valid for a period of one year and is the life of the short-term rental use, subject to annual permit renewal~~re-registration~~ in a form prescribed by the City. A separate short-term rental permit is required for each short-term rental unit and will be issued for either a primary or a secondary short-term rental. A short-term rental permit may be issued only to the owner of the property used for short-term rental. A short-term rental permit may be issued by the Director upon finding that the requirements of this subsection (h) are met. A permit may contain conditions and restrictions.

~~—(i) A primary short-term rental permit shall not be issued for a location that would allow more than two Primary Short-Term Rentals to be located within 500 feet. The 500 feet distance is measured from the property boundaries of the proposed location.~~

~~(ii) A permit may be issued for either one primary and one secondary short-term rental per lot, or no more than two secondary short term rentals per lot, when the dwelling unit type is single-family detached, single-family attached, duplex or triplex.~~

~~(iii) A property with more than 20 units on a lot permit may be issued permits for primary and/or secondary short-term rentals in a multi-family development (greater than 3 attached units) so long as the combined total short term rental permits do not exceed ten percent of the total units within the development. (8) —Bulk Standards~~

(5) Occupancy.

(i) The number of occupants at any given time in a short-term rental unit shall not exceed two persons per bedroom plus two additional occupants~~renters~~, including the operator, except where the Director determines that the size, configuration and/or structural features of the unit allow greater or lesser occupancy.

(ii) The permit shall specify the maximum occupancy of the unit.

(6) Designated Local Responsible Party.

(i) The property owner shall designate one or more local person(s) who will be permanently available and responsible for immediately responding to complaints about or violations of law or of permit terms. *Local* as used herein means having a permanent address within a 20-mile radius from the short-term rental property and a 24-hour contact phone number.

(ii) The designated local responsible party may be the owner of the property if he or she meets the *local* criteria.

(iii) The designated local responsible party must be authorized by the property owner to permit inspection of the premises by the City and/or its agent or employee to ensure compliance with applicable fire and building codes and with the requirements for and/or of the short-term rental permit.

(7) General Requirements. The owner of a dwelling used or to be used as a short-term rental shall:

(i) Obtain a tax license from the City of Grand Junction and comply with all applicable local, State, and federal taxes;

(ii) Demonstrate and certify that the unit contains the following on the premises at all times:

(A) A smoke detector in good working order;

(B) A carbon monoxide detector in good working order;

(C) Adequate and functional building egress from each sleeping room in the unit;

(D) Posted notice providing in detail the following information in a highly visible location and readily accessible form:

a. Location of building exits and fire extinguishers;

b. Twenty-four-hour emergency contact information;

c. Parking areas and parking restrictions, including a notice that parking on lawns is not allowed;

d. Noise restrictions and quiet hours;

e. Trash disposal instructions including trash pickup location and schedule;

f. Maximum occupancy restrictions;

g. City permit number;

(iii) Certify all units maintain a fire extinguisher in good working order;

(iv) Permit inspection of the premises by the City or its agent ~~or employee~~ during the pendency of the permit application, and thereafter upon reasonable notice;

(v) Provide with its application a sketch or drawing of the unit that depicts all rooms, doors and windows, including dimensions, and shows on-site areas available for guest parking;

(vi) If the short-term rental ~~unit~~ is accessed by a shared driveway, provide the City with a copy of a written instrument authorizing use of the driveway for short-term rental purposes;

(vii) Provide the name, address and phone number of the designated local responsible party to the City, and update such information with the City whenever it changes;

(viii) ~~Renew permit~~ register annually with the City, certifying that the permit terms and requirements are still being met and updating any material changes to the unit or property;

(ix) Where food is prepared and served to guests/lodgers on the premises, demonstrate compliance with Mesa County Health Department regulations.

(8) Revocation, Suspension, and Appeal.

(i) A short-term rental permit may be suspended or revoked for any of the following reasons:

(A) The owner or designated responsible party has failed to comply with a requirement of this subsection (h).~~1.~~

(B) The owner or designated responsible party has failed to comply with a condition of or restriction set forth in the short-term rental permit.

(C) The owner has failed to collect or remit lodging taxes or otherwise comply with local, State and/or federal tax requirements.

(D) Materially false or misleading information has been provided to the City by the applicant, owner or designated responsible party on an application.

(E) The City has received excessive and substantial complaints by neighbors or affected persons that were not adequately and timely addressed by the owner or designated responsible party.

(ii) Notice of [permit](#) revocation shall be provided to the owner, who shall then be given an opportunity to respond within 10 days. The Director will issue any decision to revoke or suspend a permit within 10 days of the response date.

(iii) Any aggrieved person may appeal the issuance, denial, suspension, or revocation of a short-term rental permit to the Zoning Board of Appeals within 10 days of the issuance of the decision.