

CITY OF GRAND JUNCTION

ORDINANCE NO. 4055

AN ORDINANCE AMENDING VARIOUS SECTIONS AND ADDING NEW SECTIONS TO THE ZONING AND DEVELOPMENT CODE TO ADDRESS ISSUES WITH NONCONFORMING STRUCTURES AND SITES, DRIVE-THROUGH RETAIL ESTABLISHMENTS, ZONING OF ANNEXED PROPERTY, RESIDENTIAL ZONE DESIGNATIONS, ALTERNATIVE SURFACING OF VEHICULAR TRAFFIC AREAS, LOT SIZE, WIDTH AND SETBACKS FOR LOTS ABUTTING TRACTS, AND GROWTH PLAN AMENDMENTS WITH PLANNED DEVELOPMENT REZONE REQUESTS

RECITALS:

The City of Grand Junction considers proposed updates and changes to the Zoning and Development Code on a regular basis to ensure that the Code is addressing development issues in an efficient and effective manner. Certain updates and changes to the Code are desirable to maintain the Code's effectiveness and to ensure that the goals and policies of the Growth Plan and Future Land Use Map are being implemented.

The City of Grand Junction wishes to amend various sections and to add new sections to the Zoning and Development Code that pertain to Nonconforming Uses/Structures/Sites, Drive-through retail establishments, Zoning of annexed property, Residential zone designations, Lot size and setbacks for lots abutting tracts, Growth Plan Amendments and requests to rezone to Planned Development (PD).

The City Council finds that the request is consistent with the goals and policies of the Growth Plan.

The Planning Commission, having heard and considered the request, found the proposed amendments further several goals and policies of the Growth Plan and recommended approval of the proposed revisions to the Zoning and Development Code.

NOW, THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GRAND JUNCTION THAT THE ZONING AND DEVELOPMENT CODE BE AMENDED AS FOLLOWS:

Amend Section 3.8.B.2.e as follows:

Properties that are physically constrained from complying with these provisions shall comply to the maximum extent practicable as determined by the Site Design Exception Team.

Amend Section 3.8.B.3.b (the section in brackets) as follows:

[The same requirements also shall apply to the addition of new or increased areas for outdoor operations/storage/display. For example, if the addition, or outdoor display area, is twenty-five (25%)...]

Add new section 3.8.B.3.e:

The rebuilding of any portion of a building that is demolished is considered new construction and expansion for purposes of determining the applicable percentage upgrade for applying landscaping, parking and screening and buffering requirements for nonconforming sites.

Add new section 3.8.B.3.f:

Properties that are physically constrained from complying with these provisions shall comply to the maximum extent practicable as determined by the Site Design Exception Team.

Add new Section 3.8.B.4 Site Design Exception Team and renumber remaining Sections of 3.8:

a. A Site Design Exception Team, consisting of two representatives from the Public Works and Planning Department (a planner and an engineer), and a representative from the Fire Department and Parks and Recreation Department, shall be authorized to grant requests to vary from the required site upgrades.

Required site upgrades may be reduced or eliminated by the Site Design Exception Team for sites requiring upgrades because of Section 3.8.B.3.

b. In considering a request, the following shall be considered by the Site Design Exception Team:

1. Is the general intent of the requirement(s) being met by the applicant, such as landscaping along the site frontage, even if some of it is in the right-of-way?
2. Are there other upgrades, amenities, or public benefits being provided, such as upgrades to building façade, relocating landscaping on-site, increasing planting sizes and/or planting density, public art, *etc*?
3. Will the proposed deviation result in a safe, efficient condition as determined by the Site Design Exception Team?
4. What other alternatives have been considered that would meet the current standards?

c. A request to deviate from the required parking, landscaping, screening and/or buffering improvements for nonconforming structures and sites must be submitted in writing on a form or application provided by the City to the applicant, for determination by the Site Design Exception Team.

Amend Table 3.5 as follows:

Drive-through Uses—Restaurants Conditional Use Permit required in B-2, C-1, C-2, I-1.

Add a new category: Drive-through Uses—Retail, Conditional Use Permit required in B-1, B-2, C-1, C-2, I-1

Amend Section 2.14.F as follows:

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 and the criteria set forth in Sections 2.6.A.3 and 4...

Change all Residential Zone District designations to "R" rather than RSF or RMF, but continue to include the maximum density indicator. For example, RSF-4 would be changed to R-4. All residential designations would be changed as follows:

RSF-R	R-R
RSF-E	R-E
RSF-1	R-1
RSF-2	R-2
RSF-4	R-4
RMF-5	R-5
RMF-8	R-8
RMF-12	R-12
RMF-16	R-16
RMF-24	R-24

Amend section 6.6.A.9.a by adding the following new sentence to the end of the paragraph:

...Industrial yards that accommodate large trucks and/or heavy equipment shall be surfaced and maintained with materials to prevent dust, mud and debris from leaving the site and being tracked onto the public right-of-way.

Add new Section 3.2.B.3 as follows:

3. If the following conditions are met, Minimum Lot Size may be reduced by the Director on lots abutting "tracts" (as defined below) to the extent the abutting tract provides for a portion of the minimum lot size:

a. the abutting "tract" includes one or more of the following: (i) a trail for the use of the general public; (ii) public water or public sewer lines; (iii) a landscape buffer required pursuant to this Code; (iv) a drainage facility required by this Code; or (v) open space (whether required by this Code or otherwise established), which is land within a development designed for and perpetually limited to the common use or enjoyment of the residents or occupants of the development and/or the public, but not including areas used for streets, alleys, driveways or off-street parking or loading areas.

b. only that portion of the proposed lot line that is contiguous with the abutting tract may be used for purposes of determining the reduction in minimum lot size;

c. the reduction in minimum lot size is less than or equal to the open area provided by the tract;

d. the tract shall contain no structure(s) in perpetuity in the portion of the tract that is to provide for a portion of the minimum lot size;

e. maintenance of the tract is provided for in Covenants, Conditions and Restrictions or other binding agreement as approved by the City;

f. the tract will not also provide any part of or be used in any part to establish a setback pursuant to Section 3.2.E.5;

g. the tract is part of the subdivision or development that is the subject of the application.

Amend Section 3.2.C. to include the following:

Lot Width.

1. Lot width is measured between the side lot lines along a line that is parallel to the front lot line located at the minimum front setback distance from the front lot line.

2. Minimum Lot Width may be varied by the Planning Commission on irregularly shaped lots.

3. If the following conditions are met, Minimum Lot Width may be varied by the Director on lots abutting "tracts" (as defined below) to the extent the abutting tract provides for a portion of the minimum lot width:

a. the abutting "tract" includes one or more of the following: (i) a trail for the use of the general public; (ii) public water or public sewer lines; (iii) a landscape buffer required pursuant to this Code; (iv) a drainage facility required by this Code; or (v) open space (whether required by this Code or otherwise established) which is land within a development designed for and perpetually limited to, the common use or enjoyment of the residents or occupants of the development and/or public, but not including areas used for streets, alleys, driveways or off-street parking or loading areas;

b. only that portion of the proposed lot line that is contiguous with the abutting tract may be used for purposes of determining the reduction in minimum lot width;

c. the reduction in minimum lot width is less than or equal to the open area provided by the tract;

d. the tract shall contain no structure(s) in perpetuity in the portion of the tract that is to provide for a portion of the minimum lot width;

e. maintenance of the tract is provided for in Covenants, Conditions and Restrictions or other binding agreement as approved by the City;

f. the tract will not also provide any part of or be used in any part to establish a setback pursuant to Section 3.2.E.5;

g. the tract is part of the subdivision or development that is the subject of the application.

Add new Section 3.2.E.5 as follows:

5. If the following conditions are met, setbacks may be reduced by the Director on lots abutting "tracts" (as defined below) to the extent the abutting tract provides for a portion of the setback:

a. the abutting "tract" includes one or more of the following: (i) a trail for the use of the general public; (ii) public water or public sewer lines; (iii) a landscape buffer required pursuant to this Code; (iv) a drainage facility required by this Code; or (v) open space (whether required by this Code or otherwise established) which is land within a development designed for and perpetually limited to, the common use or enjoyment of the residents or occupants of the development and/or the public, but not including areas used for streets, alleys, driveways or off-street parking or loading areas;

b. the abutting "tract" runs the full length of the applicable lot line for which a reduction in setback requirement is sought;

c. the reduction in setback is less than or equal to the open area provided by the tract;

d. the tract shall contain no structure(s) in perpetuity in the portion of the tract that is required to provide for the necessary area for the setback(s);

e. maintenance of the tract is provided for in Covenants, Conditions and Restrictions or other binding agreement as approved by the City;

f. the tract will not also provide any part of, or be used in any part to establish the minimum lot size pursuant to Section 3.2.B.3 or the minimum lot width pursuant to Section 3.2.C.3;

g. the tract is part of the subdivision or development that is the subject of the application.

Amend Section 2.5.B.2 as follows:

A Growth Plan Amendment request shall not be considered concurrently with any other development review process, except for a zone of annexation to Planned Development or request to rezone to Planned Development.

Introduced for first reading on this 7th day of March, 2007

PASSED and ADOPTED this 21st day of March, 2007.

ATTEST:

/s/ James J. Doody
President of City Council

/s/ Stephanie Tuin
City Clerk