

CITY OF GRAND JUNCTION

ORDINANCE NO. 4298

**AN ORDINANCE AMENDING SECTIONS IN CHAPTERS 2 AND 3
OF THE ZONING AND DEVELOPMENT CODE TO EXTEND THE VALIDITY OF
ADMINISTRATIVE AND PUBLIC HEARING PERMITS AND TO MAKE CERTAIN
USES IN THE B-2 (DOWNTOWN BUSINESS) AND MU (MIXED USE) ZONE
DISTRICTS USES BY RIGHT**

Recitals:

The City of Grand Junction considers proposed updates and changes to the Zoning and Development Code (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 are being implemented.

The City of Grand Junction wishes to amend and update various sections of the Code to extend the validity of administrative and public hearing development approvals, and to make certain uses in the B-2 (Downtown Business) and MU (Mixed Use) zone districts uses by right.

The City Council finds that the request to amend the Code 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 2.2.D.4.d, (Major Site Plan Review) Validity, as follows:

Validity. Unless otherwise approved, a major site plan 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. If a building permit is obtained prior to expiration of the major site plan, the major site plan approval shall be valid for as long as the building permit remains valid.

Amend Section 2.2.D.5.e, (Minor Site Plan) Validity, as follows:

Validity. Unless otherwise approved, a minor site plan 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. If a building permit is obtained prior to expiration of the minor site plan, the minor site plan approval shall be valid for as long as the building permit remains valid.

Amend Section 2.8.B.5, (Preliminary Subdivision Plan) Validity, as follows:

Validity. The applicant may propose a development phasing schedule at the time of application for a preliminary subdivision plan for consideration by the Planning Commission. In the absence of an approved phasing schedule, preliminary subdivision plan approval shall be valid for two (2) years, 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 subdivision plan is final platted with two (2) years, the rest of the preliminary subdivision plan 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 subdivision plan within six (6) years of the initial plan approval date. After six (6) years, approval of unplatted portions of the preliminary subdivision plan shall be considered void unless an extension is requested and approved by the decision making body.

Amend Section 2.8.C.4.d, Form of Final Action, as follows:

d. 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 plat, 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 two (2) years of action by the Planning Commission or as directed in the approved phasing plan/development schedule.

Amend Section 2.8.E.4, Recording of Subdivisions, as follows:

If the applicant does not complete all steps in preparation for recording a final plat within two (2) years of approval of the preliminary subdivision plan, the plat shall require another review and processing as per Section 2.8 and shall then meet all the required current Code and regulations at that time. One (1) extension of twelve (12) months may be granted by the Director for good cause. Any additional extensions must be granted by the Planning Commission. The Planning Commission must find good cause for granting the extension.

Amend Section 2.12.D.4.d (Application and Review Procedures) Form of Final Action, as follows:

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 with twelve (12) months of action by the Planning Commission or as directed in the approved phasing plan.

Amend Section 2.13.F, (CUP) Validity, as follows:

Validity. 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.

Amend Table 3.5, Use/Zone Matrix to show Safety Services- public safety and emergency services as an allowed use in the B-2 zone district.

Amend Table 3.5, Use/Zone Matrix to show Lodging-hotels, motels and similar establishments: Hotels/Motels as an allowed use in the MU zone district.

Amend Table 3.5, Use/Zone Matrix to show Office- activities conducted in an office setting and generally focusing on business, government, professional, or financial services: Office with Drive-Through as an allowed use in the MU zone district.

The Director shall be authorized to apply the provisions of this ordinance retroactively to development projects except to those projects that have expired.

Introduced for first reading this 15th day of September, 2008.

Passed and adopted this 29th day of September, 2008.

/s/ Gregg Palmer
Gregg Palmer
President of the Council

Attest:
/s/ Stephanie Tuin
Stephanie Tuin
City Clerk