

**CITY OF GRAND JUNCTION, COLORADO**

**ORDINANCE NO. 4419**

**AN ORDINANCE REPEALING THE 2000 ZONING AND DEVELOPMENT CODE,  
REPEALING CERTAIN SECTIONS OF THE TRANSPORTATION ENGINEERING  
DESIGN STANDARDS MANUAL AND ADOPTING THE 2010 ZONING AND  
DEVELOPMENT CODE**

Recitals

In August 2007, the City and Mesa County recognized the need to replace the outdated City-County Growth Plan. A new plan was needed to guide the growth of the community for the next 25 years. On February 17, 2010, the Grand Junction City Council adopted the Grand Junction Comprehensive Plan (Plan).

In order to implement the Vision and Goals of the Comprehensive Plan, the Zoning and Development Code (Code) needed to be updated. The City's Code is dated and cannot fully implement the new Comprehensive Plan.

With input from community stakeholders, staff and City Council, the proposed Zoning and Development Code has been updated and revised to ensure that it will implement the new Comprehensive Plan.

After public notice and public hearing as required by the Charter and Ordinances of the City, the Grand Junction Planning Commission recommended approval of the proposed 2010 Zoning and Development for the following reasons:

The request is consistent with the goals and policies of the Comprehensive Plan. The proposed updated Zoning and Development Code will help implement the vision, goals and policies of the Comprehensive Plan.

After public notice and public hearing before the Grand Junction City Council, the City Council hereby finds and determines that the proposed 2010 Zoning and Development Code will implement the vision, goals and policies of the Comprehensive Plan and should be adopted.

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

The 2000 Zoning and Development Code is hereby repealed.

The following sections of the Transportation Engineering Design Standards Manual are hereby repealed:

Section 4.3.1, On-site Roads  
Section 4.3.2, Parking  
Section 4.3.2.1, Parking Stall and Aisle Design  
Section 4.3.2.2, Accessible Parking for Physically Handicapped Persons  
Section 4.3.2.3, Maximum Allowable Grades in Parking Lots  
Section 4.3.2.4, Lighting  
Section 13.1, Private Streets  
Section 13.2, Shared Driveway and Loop Lanes  
Section 13.2.1, Shared Driveway Standards  
Section 13.2.2, Loop Lane Standards

The updated Zoning and Development Code, also known as the 2010 Zoning and Development Code, attached hereto and incorporated by this reference as if fully set forth, is hereby adopted.

**INTRODUCED** on first reading the 15<sup>th</sup> day of March, 2010 and ordered published in pamphlet form.

**PASSED** and **ADOPTED** on second reading the 5<sup>th</sup> day of April, 2010 and ordered published in pamphlet form.

ATTEST:

/s/ Stephanie Tuin  
City Clerk

/s/ Bruce Hill  
President of the City Council

# Zoning and Development Code Grand Junction



**APRIL 5, 2010**

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## **Chapter 21.01 General Provisions**

### **21.01.010 Title**

These regulations shall be known and cited as the City of Grand Junction Zoning and Development Code ("Code"). The Code has been adopted pursuant to Ordinance No. 4419 dated April 5, 2010, and as amended thereto.

### **21.01.020 Authority**

The City of Grand Junction ("City") is authorized by its home rule powers pursuant to the Colorado constitution and the City of Grand Junction Charter. The City Council chooses to exercise broad powers including the regulation of zoning, planning, and subdivision of land. In addition, the City Council intends that all other available powers shall support this Code including those powers and those provided by state law, such as but not limited to municipal powers, Planning and Zoning 31-23-101, *et seq.*, C.R.S.; 30-28-201, *et seq.*, C.R.S.; 29-20-101 *et seq.*, C.R.S.; the power to designate and administer areas and activities of state interest, 24-65.1-101, *et seq.*, C.R.S.; regulation of Planned Unit Development, 24-67-101, *et seq.*, C.R.S. If other authority is available because of changes in statutory and case law, state and federal, the City Council intends to avail itself of those resources as well.

### **21.01.030 Application**

This Code shall apply to all territory, uses and facilities within the City's limits, and to public and private lands, all uses thereon, and all structures and buildings over which the City has jurisdiction under the constitution and laws of the state of Colorado of the United States or pursuant to the City's powers.

### **21.01.040 Purpose**

The Code is intended to enable the City to uniformly and consistently evaluate, improve and approve, as appropriate, development, changes to existing uses, future uses and activities and to promote the health, safety and general welfare of the citizens and residents of the City. Not all situations will fall into easily identifiable processes and requirements. This Code provides flexibility in dealing with situations in general, and especially those which do not fit well with typical processes and standard requirements. The elements that make up this Code are interrelated and cannot be taken in isolation; all provisions and regulations must be taken within the context and intent of the entire Code.

### **21.01.050 Severability**

The provisions of this Code shall be severable. If any provision is declared invalid by a court of competent jurisdiction, the effect of such decision shall be limited to that provision or provisions which are expressly stated in the decision to be invalid; and such decision shall not affect, impair or nullify this Code as a whole or any other part thereof.

### **21.01.060 Consistency with Comprehensive Plan**

The Code is intended to implement the goals and policies of the Grand Junction Comprehensive Plan, as amended ("Comprehensive Plan") and to be consistent with the Comprehensive Plan.

### **21.01.070 Minimum Standards**

This Code sets the minimum requirements necessary for the promotion of public health, safety, and welfare. In many instances, the public is best served when such minimums are exceeded. If any other applicable law, rule, contract, resolution or regulation of the City, county, state or federal government contains standards covering the same subject matter, the more restrictive requirement or higher standard shall control.

### **21.01.080 Private Restrictions**

This Code is not intended to affect any private agreement or condition such as a deed restriction or covenant. If any provision of this Code is more restrictive or imposes a higher standard than any such private restriction, the requirements of this Code shall control. Where the provisions of any private restriction are more restrictive or impose higher standards than the provisions of this Code, the City has no duty to enforce such private restrictions, but may do so if otherwise authorized.

### **21.01.090 Application of Regulations During Local Emergency**

The Director may waive any or all provisions of this Code during a local emergency declared by the City's mayor or City Manager. A wildfire, flood or other catastrophic situations are examples of a local emergency.

### **21.01.100 Violations Under Prior Code**

Any person who violates any provision of the prior Code shall be subject to the provisions of that Code which shall remain in effect for these purposes.

**21.01.110 Nonconformities Under Prior Code**

A lawful nonconformity under the previous Code may remain as a nonconformity, so long as use or location is continuous. Any expansion or increase that is not permitted by this Code is unlawful.

**21.01.120 Applicability****(a) 2010 Zoning and Development Code**

The 2010 Code shall apply:

- (1) To each Application for which an application is made after April 5, 2010; and each development approved after April 5, 2010; and
- (2) If the Planning Commission or City Council finds that the development schedule has not been met, the Development has been abandoned, or is not in compliance with the 2000 or former Zoning and Development Code.
- (3) An applicant may elect to use the provisions of the 2010 Code any time after the effective date; however, an election to use the new Code shall lock the applicant into the 2010 Code.

**(b) 2000 Zoning and Development Code**

The 2000 Code shall apply:

- (1) To each Application for which an application was made after July 26, 2000 and approved prior to April 5, 2010; and
- (2) If the Planning Commission or City Council finds that the development schedule has not been met, the Development has been abandoned, or is not in compliance with the former Code.
- (3) An applicant may elect to use the provisions of the 2000 Code any time after the effective date; however, an election to use the new Code shall lock the applicant into the 2010 Code.

**(c) Appeals**

A decision by either the Planning Commission or the City Council to apply this Code or the former Code is not appealable other than in accordance with Colorado Rule of Civil Procedure 106.

## Chapter 21.02 Administration and Procedures

### 21.02.010 City Council

In addition to the powers and duties in the City Charter Article VI, the City Council shall:

**(a) Appoint members to the:**

- (1) Planning Commission;
- (2) Zoning Board of Appeals; and
- (3) Historic Preservation Board.

**(b) As it deems appropriate, decide, adopt and/or amend:**

- (1) The Comprehensive Plan;
- (2) Special area plans, corridor plans and neighborhood plans;
- (3) The street plans and components of it;
- (4) Annexation plans;
- (5) Vacations of rights-of-way and lesser interests in land such as easements;
- (6) Designation of local historic sites, structures and districts; and
- (7) Fees to pay for, at least in part, the negative impacts of development.

**(c) Hear and decide all requests for:**

- (1) Annexation and changes to the City's limits;
- (2) Making changes to zones and the zoning maps, including rezonings and planned developments;
- (3) Approval of a special permit;
- (4) Approval and/or amendment to planned development outline development plans;
- (5) Approval and/or amendment to planned development preliminary plans for those developments for which the City does not recognize a valid outline development plan;
- (6) Revocable permit for use or occupancy of a City right-of-way or public place;
- (7) Approval of a vested right as provided in this Code for a site specific development plan;
- (8) Appeals of Planning Commission decisions and recommendations (See Section 21.02.060);
- (9) Street name changes;
- (10) Fee in-lieu of land dedication waiver; and
- (11) Sewer variances.

### 21.02.020 Planning Commission

**(a) Membership and Meetings**

The Planning Commission for the City shall consist of seven regular members and two alternate members. The alternate members shall otherwise have the qualification of regular members of the Commission. At the time of appointment, the City Council shall designate one alternate member as the first alternate and the other as second alternate. Each alternate member shall attend all meetings and shall serve during the temporary unavailability, including recusal, of any regular Commission member as may be required. Alternate members, in addition to other duties prescribed by this Code, shall be allowed to vote in the absence of regular members according to their priority: the first alternate shall fill the first vacancy and both alternates shall vote in the absence of two regular members. When a regular member resigns, is removed or is no longer eligible to hold a seat on the Commission, the first alternate shall fill the vacancy and the second alternate shall be designated as the first alternate. The City Council shall then name a replacement second alternate. The Planning Commission Alternates, the Chairman and two other persons to serve at-large, shall serve as the Zoning Board of Appeals and shall discharge the duties of the Board as described and provided for in this Code. The Director of the Grand Junction Public Works and Planning Department and/or appointed representative shall serve as staff to the Commission.

**(b) Identity of Members**

The members shall be residents of the City of Grand Junction and shall represent the interests of the City as a whole. No member shall be employed by the City, hold any other City office nor be a contractor with the City. The Commission

members shall be selected from the fields of engineering, planning, architecture, construction trades, and law and citizens-at-large.

**(c) Term**

Members of the Commission shall serve terms of four years. Members are limited to two consecutive terms.

**(d) Vacancies**

All vacancies shall be filled by appointment of the City Council. If a Commission member ceases to reside in the City, his/her membership on the Commission shall immediately terminate and an appointment made to fill the unexpired term.

**(e) Removal**

Members of the Commission may be removed after public hearing by the City Council. Removal may be for inefficiency, neglect of duty, malfeasance or misfeasance in office. The City Council shall make public a written statement of reasons for removal prior to any public hearing seeking removal of a member.

**(f) Meetings/Voting**

Planning Commission meetings shall be regularly scheduled not less than once a month, provided there are pending items or matters to be brought before the Commission, at a time and place designated annually by resolution of the Council. Special meetings may be held as provided by rules of procedure adopted by the Commission and/or this Code or law. The presence of four voting members is necessary to constitute a quorum.

**(g) Compensation**

All members of the Commission shall be compensated, as the City Council deems appropriate by resolution.

**(h) Powers and Duties**

Except as otherwise provided by the Code, ordinance, rule, policy or regulation of the City Council, the Commission shall be governed by 31-23-201, *et seq.*, C.R.S. The Commission and other city officials mentioned in 31-23-201, *et seq.*, C.R.S. shall have all the powers provided for therein and shall be governed by the procedures set forth by this Code and/or law, ordinance, rule regulation or policy of the City Council. The Planning Commission's powers and duties include, but are not limited to:

**(1) Recommend to the City Council all requests for adoption or amendments to:**

- (i) The Comprehensive Plan;
- (ii) Special area plans, corridor plans and neighborhood plans;
- (iii) The Grand Valley Circulation Plan;
- (iv) The text of this Code and the Zoning Map, including zoning for newly annexed territory;
- (v) Review fees and impact fees;

**(2) Hear and recommend to the City Council all requests for:**

- (i) Vacating public right-of-way and easements pursuant to 43-2-301, *et seq.*, C.R.S.;
- (ii) Zoning changes, including rezonings and zoning of planned developments;
- (iii) Special permits;
- (iv) Planned development outline development plan approvals and major amendments;
- (v) A vested right as a part of any site specific development plan; and
- (vi) Sewer variances.

**(3) Decide all requests for:**

- (i) Appeals (See Section 21.02.060);
- (ii) Vacating any plat;
- (iii) Conditional use permits;
- (iv) Variances to the landscape, buffering, and screening requirements;
- (v) Variances to the 24 Road Corridor Design Standards and Guidelines; and
- (vi) Other tasks as assigned by the City Council.

### 21.02.030 Zoning Board of Appeals (ZBOA)

**(a) Composition**

The Zoning Board of Appeals for the City shall consist of five members, each of whom shall be a City resident and shall represent the interests of the City as a whole. The City Council shall consider citizens with experience in the fields of engineering, law, surveying, development, planning, architecture and construction, as well as citizens-at-large.

**(b) Identity of Members**

The membership of the Board shall be comprised of the Chairman of the Planning Commission, the designated Planning Commission alternates and two at-large members.

**(c) Term**

Members of the Board shall serve terms of four years coincident to their terms on the Planning Commission. Members are limited to two consecutive terms.

**(d) Vacancies**

All vacancies shall be filled by appointment of the City Council. A member's seat on the Board shall be vacant when the member ceases to reside in the City.

**(e) Removal**

The City Council may remove any member of the Board after public hearing for good cause including inefficiency, neglect of duty, malfeasance or misfeasance in office. The City Council shall make public a written statement of reasons for the removal prior to said public hearing.

**(f) Meetings**

The Board shall meet at least once a month, provided there is business to be brought before the Board. Special meetings may be held as provided by rules of procedure adopted by the Board. Three members constitute a quorum.

**(g) Voting**

A majority of a quorum of the Board shall be sufficient to conduct the business of the Board. A lesser number than a quorum may act to adjourn or continue a meeting.

**(h) Compensation**

Members shall be compensated as the City Council deems appropriate by resolution.

**(i) Powers and Duties**

Except as otherwise provided by this Code, ordinance, rule, policy or regulation of the City Council the Zoning Board of Appeals shall be governed by Section 31-23-307, C.R.S. The Board shall have the power and duty to decide:

- (1) Appeals (See Section 21.02.060);
- (2) Requests to vary the bulk, performance, accessory use, use-specific standards or sign regulations of this Code;
- (3) Requests for relief from the Nonconforming provisions established in Chapter 21.08; and
- (4) Variances to any provision of this Code not otherwise assigned to another review body.

### 21.02.040 Building Code Board of Appeals

For appeals relating to building codes, see Section 112 of the International Building Code (IBC).

### 21.02.050 Director of Public Works and Planning

**(a) Powers and Duties**

The Director of the Public Works and Planning Department ("Director") serves at the direction of the City Manager. The Director shall decide requests for a:

- (1) Planning Clearance;
- (2) Home Occupation permit;
- (3) Temporary Use permit;
- (4) Change of Use permit;
- (5) Major Site Plan Review;
- (6) Minor Site Plan Review;

- (7) Fence permit;
- (8) Sign permit;
- (9) Boundary Adjustments;
- (10) Floodplain development permit;
- (11) Simple Subdivision;
- (12) Major Subdivision final plat;
- (13) Major Subdivision construction plan;
- (14) Major subdivision preliminary plan approval;
- (15) Minor exception subdivisions;
- (16) Planned Development final plan;
- (17) Planned Development final plan minor amendment;
- (18) Minor deviations to any Zoning district bulk standard;
- (19) Development Improvement Agreement;
- (20) Administrative Adjustment;
- (21) Sign Packages;
- (22) Revocable permits for landscaping and irrigation; and
- (23) TEDS exceptions; and
- (24) Comprehensive Plan Administrative Changes

**(b) Director's Responsibilities**

**(1) Record Keeping – Flood Damage Prevention**

The Director of Public Works and Planning shall obtain and maintain the following information:

- (i) The actual elevation (relative to mean sea level) of the lowest floor (including basement) of each structure;
- (ii) 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 21.07.010; and
- (iii) Records pursuant to Section 21.07.010.

**(2) Alteration of Watercourses**

The Director of Public Works and Planning shall require proof that the applicant has:

- (i) Notified adjacent communities and the Colorado Water Conservation Board prior to any alteration or relocation of a watercourse. The Director of Public Works and Planning shall submit evidence of such notification to the Federal Emergency Management Agency; and
- (ii) 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 Planning shall interpret the Flood Insurance Rate Maps (FIRM) to decide location of the boundaries of the areas of special flood hazard.

## 21.02.060 Summary of Authority

The following table summarizes the required review and approval authority provided under this zoning and development code.

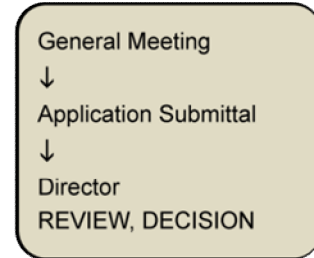
Sec.	Procedure	Director	Planning Commission	City Council	ZBOA
R = Review D = Decision A = Appeal					
21.02.070	Administrative Development Permit, all administrative permits not listed herein	D	A		
21.02.070	Subdivision	D	R	A	
21.02.090	Vacation of Plat without public Right-of-Way or Easement	R	D	A	
21.02.090	Vacation of plat with public Right-of Way or Easement	R	R	D	
21.02.100	Vacation of Public Right-of-Way or Easement	R	R	D	
21.02.110	Conditional Use Permit	R	D	A	
21.02.120	Special Permit	R	R	D	
21.02.120	Administrative changes to Comprehensive Plan	D	R	A	
21.02.130	Comprehensive Plan Amendment	R	R	D	
21.02.140	Code Amendment and Rezoning	R	R	D	
21.02.150	Planned Development	R	R	D	
21.02.160	Annexation	R		D	
21.02.170	Vested Property Rights	R	R	D	
21.02.180	Revocable Permit – Landscaping and irrigation	D	R	A	
21.02.180	Revocable Permit	R		D	
21.02.190	Institutional and Civic Facility Master Plans	R	R	D	
21.02.200	Variance	R			D
21.02.210	Rehearing and Appeal		D	D	D



**21.02.070 Administrative Development Permits**

**(a) Common Elements of Administrative Development Permits**

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**

**(i) 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 development application may not be submitted until after the general meeting is completed if required by the Director.

**(ii) Preapplication Conference**

A preapplication conference with City staff is highly recommended for most subdivisions, multifamily, commercial and industrial projects. The general purposes of a preapplication conference are to:

- (A)** Understand the proposed project and the applicant's specific objectives;
- (B)** Identify applicant time goals such as property closing dates, construction starts, and operation dates;
- (C)** Identify City approvals needed before any development starts;
- (D)** Identify documents, plans, drawings, fees and process other materials necessary for a complete application;
- (E)** Identify significant issues likely to arise to be dealt with; and
- (F)** Begin to familiarize the applicant with City requirements, and this Code.

**(2) Application Requirements**

**(i) Materials, Deadlines**

Application materials and deadlines are available from the Director and are contained in the Submittal Standards for Improvements and Development Manual.

**(ii) 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.

**(iii) 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.

**(iv) Neighborhood Meeting**

A neighborhood meeting is required for subdivision applications except for Simple Subdivisions and Minor Exemption Subdivisions. See Section 21.02.080(e) for Neighborhood Meeting requirements.

**(3) Notice**

**(i)** Public notice is not required for administrative permits except for subdivision and major site plan applications. The duty to provide notice, when required, is always the applicant's.

**(ii)** Notice is provided as follows:

- (A)** Within five working days of receipt of a complete application, the Director shall give notice, at the applicant's cost, by 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 and the location of the property.
- (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 such notice will further the purpose or intent of this Code.

Type of Submittal or Request	Published Notice	Mailed Notice	Sign Notice
Administrative Development Application	–	–	–
Development Application Requiring Public Hearing	7 days	Owners within 500 feet	Yes
Comprehensive Plan Text Amendment	7 days	–	–
Code Text Amendment	7 days	–	–
Historic Preservation	7 days	–	–
Grand Valley Circulation Plan Amendment	7 days	–	–
Revocable Permit	–	–	–
Vested Rights	Within 10 days of approval	–	–
Subdivisions and Major Site Plan	-	Owners within 500 feet	Yes

**(4) General Procedures**

- (i) The Director shall evaluate each application for compliance with City requirements. The Director shall provide comments in writing to the applicant.
- (ii) The Director may forward copies of the applications to various agencies for their input and review. Such other agencies include:
  - (A) Other City departments;
  - (B) Utilities;
  - (C) Law enforcement;
  - (D) Fire protection agencies;
  - (E) General purpose government;
  - (F) State agencies (e.g., Geologic Survey, Transportation, Natural Resources, Wildlife); and
  - (G) Federal agencies (e.g., Federal Emergency Management Agency, Bureau of Land Management, U.S. Army Corps of Engineers).
- (iii) Agency review and input is advisory only.
- (iv) An application submitted to the City for review must be diligently pursued and processed by the applicant. Accordingly, if the applicant, within 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 two extensions of the foregoing 90 day requirement, not to exceed a total extension of 180 days.

**(5) Comments – Time to Respond**

- (i) The Director must approve, approve with conditions, or disapprove all complete applications for an administrative permit.
- (ii) 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) General Approval Criteria**

No permit may be approved by the Director unless all of the following criteria are satisfied:

- (i) Compliance with the Comprehensive Plan and any applicable adopted plan.
- (ii) Compliance with this Zoning and Development Code.
- (iii) Conditions of any prior approvals.
- (iv) Public facilities and utilities shall be available concurrent with the Development.
- (v) Received all applicable local, state and federal permits.

**(7) Appeals and Amendments**

The Director’s decision is final unless the Director receives written appeal within ten 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.

**(8) Validity**

(i) Administrative permits shall expire after the issue date according to the following table:

Permit Type	Expiration
Administrative Permits (except below)	One year
Planning Clearance and Building Permit	180 days
Fence Permit	180 days
Home Occupations	n/a
Preliminary Subdivision	Two years
Final Plat (unrecorded)	Two years

(ii) 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, except the Director may grant one extension of twelve months for a Preliminary Subdivision or unrecorded Final Plat.

**(b) Planning Clearance and Building Permit**

No person shall establish, construct, modify or expand a use or a structure until both a planning clearance and a building permit, if required, has been issued. This Section does not apply to a permit for a fence or sign, as both are otherwise regulated by this Code.

**(c) Home Occupation Permit**

**(1) Purpose**

Home occupation permits are needed to ensure that all home occupations are conducted in a safe manner without adverse affects on neighboring properties.

**(2) Applicability**

No person shall conduct a home occupation until the Director has issued a home occupation permit. A home occupation shall comply with the use specific standards of Section 21.04.040(g).

**(d) Temporary Use Permit**

**(1) 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.

**(2) Applicability**

No person shall establish a temporary use for a period exceeding 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. Only one temporary use is permitted at any given time on a parcel or lot.

**(3) Use Specific Standards**

A temporary use shall comply with the use specific standards of Section 21.04.050.

**(e) Change of Use Permit**

**(1) 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 Minor site plan review. A change of use does not occur unless:

- (i) The Code requires more off-street parking for the new use than is available on the property;
- (ii) There is any increase in traffic, actual or projected; or
- (iii) The amount of storm water runoff or impervious area is increased.

**(f) Minor Site Plan**

- (1) This review process may be used by the Director in lieu of the Major Site Plan review process 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.
- (2) The Director may use this review process if the proposed project is limited to:
- (i) 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;
  - (ii) 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 or more structures;
  - (iii) An existing parking lot or existing work area to be paved with asphalt or concrete;
  - (iv) A temporary office trailer;
  - (v) Similar low-impact uses; or
  - (vi) A proposed residential subunit or accessory unit.

**(g) Major Site Plan**

The Director reviews site plans to determine compliance with this Code, the Comprehensive Plan, adopted corridor guidelines and other applicable regulations.

**(1) Applicability**

- (i) No person shall begin any development, pour any structure foundation or move earth in preparation for construction without receipt of the Director's approval of a site plan. 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 or two dwellings;
  - (B) Nonresidential, interior remodeling which will cost 25 percent 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.
- (ii) Major site plan review shall be completed prior to issuance of a planning clearance and a building permit.

**(h) Fence Permit****(1) Applicability**

- (i) 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 in height is considered a structure and requires a planning clearance and building permit instead of a fence permit. Fences must comply with Section 21.04.040(i), any design guidelines and other conditions of approval. Sign Permit**

**(1) Applicability**

No person shall erect or display a nonexempt sign (see Section 21.06.070) 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 21.06.070(d). Touching up or repainting existing letters, symbols, etc., is maintenance and does not require a permit.

**(j) Floodplain Development Permit****(1) Applicability**

No person shall construct or maintain any use or structure nor make any development or topographically alter land for any purpose including agriculture that may adversely impact the floodplain or floodway or within any area of special flood hazard (Section 21.07.010) unless the Director of Public Works and Planning has issued a floodplain permit.

**(2) Additional Approval Criteria**

When base flood elevation data has not been provided in accordance with Section 21.07.010(c), the Director of Public Works and Planning 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.

**(k) Boundary Adjustments****(1) Purpose**

The process for boundary adjustments allows the Director to approve boundary line adjustments as allowed by state law.

**(2) Additional Approval Criteria**

A boundary adjustment pursuant to Section 38-44-112, C.R.S., or as amended from time to time, is permitted if approved by the Director. The applicant must comply with the statute.

**(l) Administrative Adjustment**

- (1)** The Director may permit up to a ten percent deviation from any bulk standard, including maximum building size, upon a finding of compliance with the goals and policies of the Comprehensive Plan. The purpose of this process is to permit inconsequential deviations from the zoning district bulk standards where deviation(s) are desirable but cannot be accommodated through a strict application of the bulk standards.
- (2)** The Director may permit an accessory structure in a required front yard or the side yard of a corner lot upon a finding of compliance with the criteria of Section 21.02.200, Variance.
- (3)** An administrative adjustment shall be granted only when the applicant establishes that all of the following criteria are satisfied.

**(i) Additions**

Requests for an administrative adjustment 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:
    - a. Height of the addition relative to neighboring structures;
    - b. The location, number and size of windows, doors, porches, balconies and outdoor lights;
    - c. The location of patios and walkways;
    - d. The location, size and types of hedges, walls and fences; and
    - e. 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 or less; and
  - (H) The deviation shall not result in physical encroachment into an easement, right-of-way or neighboring property.
- (ii) **Construction Errors**
- Requests for an administrative adjustment 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 administrative adjustment in the past three years.
- (4) **Decision-Maker**
- (i) The Director shall approve, approve with conditions or deny all requests for an administrative adjustment.
  - (ii) Appeals from the Director shall be processed as a variance using the procedures provided in Section 21.02.200, but with the review criteria provided herein.
- (5) **Application and Review Procedure**
- Application requirements and processing procedures are described in Section (a). In addition, the applicant shall provide proof that the requested administrative adjustment 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 administrative adjustment does not conform to the covenants, the Applicant shall provide a written statement acknowledging the inconsistency and that he/she shall indemnify and hold the City harmless for any action, damages claims or suits brought in the event the administrative adjustment is approved.
- (m) **Development Improvements Agreement (DIA)**
- (1) **Development Improvements Agreement Authorized**
- 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.
- (2) **Agreement to Run with the Land**
- 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 lien holders shall be required to subordinate their liens to the guarantees contained in the DIA.

**(3) Performance Security**

- (i) 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, a letter of credit or disbursement agreement from an authorized financial institution, a subdivision bond, or a completed, unrecorded plat. The letter of credit, disbursement agreement, or subdivision bond shall be in a form approved by the City Attorney.
- (ii) The guarantee shall be in an amount estimated by the Director as reflecting 120 percent 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.
- (iii) 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.
- (iv) The issuer of any guarantee shall be subject to the approval of the City in accordance with adopted policies.

**(4) Maintenance Guarantee for DIA**

- (i) The applicant shall guarantee the improvements against defects in workmanship and materials for a period of one year from the date of City acceptance of such improvements. The maintenance guarantee shall be secured by a letter of credit, cash escrow, maintenance bond, or other form acceptable to the Director.
  - (A) If the security is a letter of credit or cash escrow, then it shall be in an amount reflecting 20 percent of the cost of the completed improvements.
  - (B) If the form of security is a maintenance bond, it must be in a form acceptable to the City Attorney, in the principal amount of 20 percent of the value of the project's public improvements, for a period of one year from the date of final acceptance by the City of all improvements in the project, or as applicable, the phase or filing of a project for which improvements are constructed and accepted.
  - (C) If repairs, replacement or modifications to the project's public improvements are made by the applicant or are required to be made by the City during the one year maintenance period, then the City, at its sole option and discretion, may require an extension of the security in an amount equal to the actual or estimated repair, replacement or modification costs plus 20 percent. If the Director has reason to believe that the security will be extended beyond the one year initial term, then the Director shall notify the applicant in writing no later than 30 days before expiration of the security. Mailing of an extension notice shall cause the applicant to extend the security (bond, cash or letter of credit) for an additional 12 months. The extension shall be on the same terms as the security being extended. The security may be extended for one additional year as may be necessary for the bond to be called or for the improvements to be repaired, modified or replaced in a manner that satisfies the City. If the Director has reason to believe that the type or extent of the repair, replacement or modification does not warrant extension of the maintenance security, then the security may be released after the initial one year period. In making the decision to extend the security the Director may consider any facts or information deemed relevant, which may include but is not limited to, whether the failed improvements are above or below grade, whether the failed improvements may reasonably be found to constitute life, health and/or imminent safety hazard; whether other phases or filings depend on the improvements and/or the degree of failure of the improvements.
- (ii) 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 50 percent of the cost of the required improvements.

**(5) Offers to Dedicate Streets, Roads, and other Lands****(i) 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 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.

**(ii) 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 unless it explicitly agrees to do so in writing.



**(6) Temporary Improvements**

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.

**(7) Completion of Improvements****(i) 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 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 additional year.

**(ii) 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.

**(iii) 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.

**(8) Extension of Development Improvements Agreement and Security**

- (i)** If the applicant is unable to complete all required improvements contained in an executed Development Improvements Agreement within the time stated therein, he/she shall provide written notice of same to the Director at least 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 completion date for performance in 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.
- (ii)** 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, 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.

**(n) Sign Package****(1) Purpose**

A Sign Package allows the review and approval of signs on a developed site or abutting developed sites that function as one with the sharing of vehicular access through, across, over, entrance onto, and/or exit from the site and/or parking.



**(2) Applicability**

The Sign Package provides detailed graphical information of the location, height, illumination, sign dimensions, and sign design, including but not limited to letter heights.

**(3) Additional Approval Criteria**

- (i) All signs included on the site shall be in conformance with the criteria set forth in Section 21.06.070(f), except as allowed to deviate based on the other criteria in this Section.
- (ii) The application of the Sign Package is not contrary to and better implements the goals and objectives of the Comprehensive Plan, including but not limited to applicable neighborhood plans, corridor plans, and other adopted plans.
- (iii) The application of the Sign Package is not contrary to and better implements the goals and objectives of moderating the size and number of signs as well as the reduction of clutter and obtrusive placement of signs.

**(4) Decision-Maker**

The Director shall approve, conditionally approve or deny all applications for a Sign Package Permit.

**(5) Application and Review Procedures**

Application requirements and processing procedures are described Section (a).

**(6) Validity**

- (i) The Sign Package Permit must be established within 180 days of the approval by Director. A Sign Package is established upon the installation of the first sign included within the package. Once established the Sign Package Permit shall run with the land as long as a use on a site has not changed and the site continue to share vehicular access through, across, over, entrance onto, and/or exit from the site and/or parking. All the parcels functioning as one shall be considered the land to which the Sign Package Permit is applicable.
- (ii) A Sign Package Permit limits the characteristics of each sign within the Sign Package. Any increase in any sign characteristic must be reviewed and approved as a new Sign Package. Any changes to the Sign Package Permit, including modification or termination, other than termination due to change of use on a site or termination of the shared access or parking, shall require the written consent of all landowners of each of the sites included within the approved Sign Package.

**(o) Minor Exemption Subdivisions****(1) Purpose**

The purpose of the minor exemption subdivision is the same as that for a major subdivision set forth in Section (q)(1).

**(2) Applicability**

The minor exemption subdivision process allows for a subdivision of parcels 25 acres or larger into three or fewer lots each of which are two acres or larger in size in residential zones.

**(3) Additional Approval Criteria**

The Director shall approve a minor exemption subdivision if the applicant demonstrates that the application complies with the purpose of a minor exemption subdivision and with the following criteria:

- (i) All lots comply with this Code; except that the minimum density/intensity requirements of a zone district or the Comprehensive Plan do not apply except in the R-R zone and the sewer regulations pertaining to the extension of sewer as a condition of subdivision need not be complied with if the applicant can demonstrate the following:
  - (A) The applicant's Colorado professional engineer affirms in writing that the lot can be served by Individual Septic Disposal System (ISDS) constructed at or prior to use of the lot for uses allowed by the City Code then in existence;
  - (B) The constructed ISDS system continue to function properly;
  - (C) Sewer is not constructed within 400 feet of any lot line of any lot or out lot or out parcel created under the minor exemption subdivision process; and
  - (D) The landowner execute a utility extension agreement in a form acceptable to the City. The utility extension agreement shall authorize the sewer to be extended by the City at a future date (all as provided herein) at the then landowner's expense and/or in accordance with financing provided by the City and/or the sewer system.

- (ii) The applicant is not seeking a variance or is seeking only to vary the requirement of extending sewer. No other variances shall be considered with a minor exemption subdivision. (Any other variances requested shall require the application be processed as a simple subdivision under Section ~~Error! Reference source not found.~~ (p) or a major subdivision under Section (q) whichever is applicable);
- (iii) The proposed lot are two acres or larger in size on a gross acreage basis and are created from a parcel at least 25 acres in size;
- (iv) The property from which the new lot are proposed has been taxed agriculturally for the five years preceding the minor exemption subdivision application; and
- (v) The lot or originating parcel has not previously had a City minor exemption subdivision, City simple subdivision, a Mesa County minor subdivision, and/or Mesa County simple land division approval.

**(4) Decision-Maker**

The Director shall approve, conditionally approve, or deny all applications for minor exemption subdivisions. If the minor exemption subdivision does not comply with the sewer regulations at the time of approval, then the approval shall be a conditional approval requiring the ISDS to be abandoned prior to the end of its useful life if a sewer is constructed either within 400 feet of the lot line of any lot or out lot or out parcel created under the minor exemption subdivision process, or if the ISDS fails, or a sewer improvement district is formed that includes the lot created and any out lot or parcel.

**(5) Application and Review Procedures**

The following notes are required on all minor exemption subdivision plats. The notes shall be conspicuous:

- (i) "No more than a total of three lots (two lots plus the out parcel) out of the original tract of land may be created by the Minor Exemption Subdivision process."
- (ii) "Any additional lot splits are required to be processed through applicable City subdivision processes. The property shown hereon may not be further subdivided without approval of the City in accordance with then applicable law."
- (iii) "In accordance with a Utility Extension Agreement the City may require any ISDS on the property to be abandoned prior to the end of its useful life if a sewer is constructed within 400 feet of the lot line of any lot created under the Minor Exemption Subdivision process or the ISDS fails or a sewer improvement district is formed that includes the lot."

**(p) Simple Subdivisions**

**(1) Purpose**

The simple subdivision process allows the Director to approve lot consolidations, boundary adjustments not in dispute, a lot split, and to correct a minor error on a plat.

**(2) Applicability**

If requested in writing by every owner and consented to by every lienor, the Director may allow the simple subdivision process to be used to:

- (i) Consolidate one or more lots;
- (ii) Create only one additional lot;
- (iii) Change a nondisputed boundary line between abutting lots or parcels; or
- (iv) Change a plat to:
  - (A) Correct an error in the description;
  - (B) Correct any monument; or
  - (C) Correct a scrivener or clerical error such as lot numbers, acreage, street names and identification of adjacent recorded plats.

**(3) Additional Approval Criteria**

The Director will approve a simple subdivision if the applicant demonstrates that:

- (i) Any change to existing easements or right-of-way have been completed in accordance with this Code or otherwise allowed by law (additional easements or right-of-way may be dedicated);
- (ii) The right-of-way shown on the Grand Valley Circulation Plan is not changed; and

- (iii) If a new lot is being created, no portion of the property may have been the subject of a previous simple subdivision creating a new lot within the preceding ten years or a Minor Exemption Subdivision (see (o)).

**(q) Subdivision**

**(1) 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 or airspace unit, 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 is to:

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

**(r) Preliminary Subdivision Plan**

**(1) Applicability**

The preliminary subdivision plan 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 subdivision plan shall be required for every subdivision except as otherwise provided for herein.

**(2) Approval Criteria**

A preliminary subdivision plan shall not be approved unless the applicant proves compliance with the purpose portion of this Section and with all of the following criteria:

- (i) The preliminary subdivision plan will be in conformance with the Comprehensive Plan, Grand Valley Circulation Plan, Urban Trails Master Plan, and other adopted plans;
- (ii) The Subdivision standards in Chapter 21.06;
- (iii) The Zoning standards in Chapter 21.03 and Chapter 21.04;
- (iv) Other standards and requirements of this Code and other City policies and regulations;
- (v) Adequate public facilities and services will be available concurrent with the subdivision;
- (vi) The project will have little or no adverse or negative impacts upon the natural or social environment;
- (vii) Compatibility with existing and proposed development on adjacent properties;
- (viii) Adjacent agricultural property and land uses will not be harmed;
- (ix) Is neither piecemeal development nor premature development of agricultural land or other unique areas;
- (x) There is adequate land to dedicate for provision of public services; and
- (xi) This project will not cause an undue burden on the City for maintenance or improvement of land and/or facilities.

**(3) Decision-Maker**

The Director is the decision-maker for all applications for preliminary subdivision plans.

**(4) Application and Review Procedures**

- (i) See Section 21.02.070.a, Common Elements of Administrative Development Permits
- (ii) In an effort to expedite final plat approval, the applicant may provide more detailed information than is required for preliminary subdivision plan review.

**(5) Notice**

- (i) Public notice is not required for administrative permits except for subdivision and major site plan applications. The duty to provide notice, when required, is always the applicant's.
- (ii) Notice is provided as follows:
  - (A) Within five working days of receipt of a complete application, the Director shall give notice, at the applicant's cost, by 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 and the location of the property.
  - (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 such notice will further the purpose or intent of this Code.

**(6) Validity**

The applicant may propose a development phasing schedule at the time of application for a preliminary subdivision plan for consideration by the Director. In the absence of an approved phasing schedule, a preliminary subdivision plan approval shall be valid for only two years, during which the applicant shall obtain final plat approval for all or a portion of the property. If a part of the property in the preliminary subdivision plan is final platted within two years, the preliminary subdivision plan approval shall be automatically renewed for an additional one 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 years of the initial plan approval date. After six 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.

**(s) 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 subdivision plan. If a minor revision of a preliminary subdivision plan is required, the review of the revised preliminary subdivision plan 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:

- (i) The same criteria as the preliminary subdivision plan in Section (r); and
- (ii) The preliminary subdivision plan approval and any conditions attached thereto. A part of the land area within the preliminary subdivision plan may be approved for platting.

**(3) Decision-Maker**

The Director shall approve, conditionally approve or deny all applications for a final plat.

**(4) Additional Application and Review Procedures**

- (i) If the Subdivision is a "common interest community" as defined in Section 38-33.3-103(8), C.R.S., then the following shall apply:
  - (A) The applicant shall include a declaration pursuant to Sections 38-33.3-201, 38-33.3-205, and 38-33.3-209, C.R.S.;

- (B) The applicant shall address the exercise of development rights pursuant to Section 38-33.3-210, C.R.S.;
    - (C) The applicant shall include the association bylaws pursuant to Section 38-33.3-306, C.R.S. as applicable; and
    - (D) An association shall be formed pursuant to Section 38-33.3-301, C.R.S. and filed with the Colorado Secretary of State.
  - (ii) A title commitment no older than five days shall be provided before the filing of the final plat for all of the platted property.
  - (iii) **Notice**  
Notice of a final plat is not required.
  - (iv) **Form of Final Action**  
The form of final approval by the Director shall be the recording of the plat as provided in Section (u). If the Director 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 years of action by the Director or as directed in the approved phasing plan/development schedule.
- (t) **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 subdivision construction plans.
  - (4) **Application and Review Procedures**  
Application requirements and processing procedures shall comply with Section (a). In addition, construction plans shall be prepared for all subdivision improvements and public improvements as required by and in accordance with this Code, the Submittal Standards for Improvements and Development manual, the Transportation Engineering Design Standards manual and all other applicable adopted City codes and policies. A completed Development Improvements Agreement (DIA) for the public improvements together with an acceptable financial guarantee must be submitted with the construction drawings. As-built plans must be submitted to the Director prior to acceptance of public improvements for City maintenance.
- (u) **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; improvements agreements; powers of attorney; easement or right of way dedications not shown on the plat; covenants; 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 and seals 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 a final plat within two years of approval of the preliminary subdivision plan, the plat shall require another review and processing as per this Section and shall then meet all the required current Code and regulations at that time. One extension of twelve 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.

(v) **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.
- (2) The plat shall not be recorded until the improvements have been completed or 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 according to Section (m).

(w) **TEDS Exceptions**

The Director has the authority to make exceptions to the requirements of the Transportation Engineering Design Standards (TEDS) manual in compliance with the procedure established in the manual. Special consideration shall be given to flexibility in interpretation of the standards as applied in a Neighborhood Center, Village Center, Downtown or Mixed Use Opportunity Corridor designated on the Future Land Use Map of the Comprehensive Plan.

## 21.02.080 Permits Requiring a Public Hearing

### (a) Common Elements of Permits Requiring a Public Hearing

The following requirements are common to all applications.

#### (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.

### (b) Preapplication Conference

A preapplication conference with City staff is highly recommended for most subdivisions, multifamily, commercial and industrial projects to:

- (1) Understand the project and the applicant's objectives;
- (2) Identify applicant deadlines such as property closing dates, preferred construction and operation dates;
- (3) Identify the needed approvals;
- (4) Identify the documents, plans, drawings, fees and other materials needed to complete the application;
- (5) Identify the most significant issues; and
- (6) Show the applicant how to meet the Code and other requirements.

### (c) Application Requirements

The Submittal Standards for Improvements and Development 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.

#### (1) Application Deadlines

Important application deadlines are in the Submittal Standards for Improvements and Development manual or by the Director's written policies.

#### (2) 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.

#### (3) 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.

### (d) General Approval Criteria

No permit may be approved unless all of the following criteria are satisfied:

- (1) Compliance with the Comprehensive Plan and any applicable adopted plan.
- (2) Compliance with this Zoning and Development Code.
- (3) Conditions of any prior approvals.
- (4) Public facilities and utilities shall be available concurrent with the Development.
- (5) Received all applicable local, state and federal permits.

### (e) Neighborhood Meeting

A neighborhood meeting should produce a better project through dialogue between the developer and neighbors leading to consensus. A neighborhood meeting is intended to provide information about the project so neighbors may gauge significant impacts and propose reasonable changes to the project. Neighborhood meetings are required before an application is submitted.



**(1) 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 Public Works and Planning Department is also considered "the neighborhood." The Director will keep a list of the contact persons and addresses of such groups.

**(2) 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 not more than 180 days before the application is submitted.

**(3) Meeting Content and Conduct**

At the meeting, the applicant shall present a concept plan, describe project impacts, describe ways to mitigate impacts, and facilitate a discussion and answer questions. The concept plan shall, at a minimum, delineate access to the site; internal circulation, the range of density of the entire property or the maximum intensity (square footage and stories for all buildings). The applicant decides the format and conduct of the meeting so that attendees have an opportunity to speak and to make written comments. City staff should gather information and explain the rules and requirements. City staff shall provide information regarding the project's compliance with the Comprehensive Plan and any applicable adopted plan or ordinance. Included with the application submittal, the applicant must give the Director a written list of names and addresses of those given notice and those attending, along with a written summary of suggestions, comments, criticism and mitigating measures brought up by the applicant and attendees.

**(4) Notice**

The applicant shall provide written notice of the date, time, place and subject of the meeting to every owner and group in the neighborhood, as well as the City Public Works and Planning Department. The notice must be approved by the Director and shall be hand-delivered or delivered by U.S. mail. The notice must be hand-delivered or postmarked no later than ten calendar days prior to the meeting.

**(f) Procedures****(1) 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.

**(2) Review by Other Agencies**

The staff shall forward copies of the applications to appropriate agencies for their comments. Examples of review agencies are:

- (i) City departments;
- (ii) Telecommunications, gas, electric and other utilities;
- (iii) Irrigation, drainage, water and sewage, sewer provider special districts;
- (iv) School and fire agencies;
- (v) Law enforcement;
- (vi) Mesa County staff, Planning Commission, or Board of Commissioners;
- (vii) State agencies (e.g., Colorado Geologic Survey, Colorado Department of Transportation, Colorado Department of Natural Resources, Colorado Division of Wildlife, etc.); and
- (viii) Federal agencies (e.g., Federal Emergency Management Agency, Bureau of Land Management, U.S. Army Corps of Engineers, etc.).

**(3) 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.



**(4) 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 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 two extensions of the foregoing 90 day requirement, not to exceed a total extension of 180 days.

**(5) Review of Response**

The Director shall determine if sufficient information has been provided to schedule the application for a hearing. If the application is insufficient the applicant shall be notified. The applicant shall be allowed additional resubmittals and responses before the application is scheduled for a hearing.

**(g) Notice****(1) 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.

**(2) Published Notice**

- (i) 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.
- (ii) In computing notice time, the day of the hearing shall be excluded.
- (iii) The applicant shall either provide the information for the notice, or pay the City to prepare the information.
- (iv) All published notices shall be published in a local newspaper of general circulation recognized by the City.

**(3) Mailed Notice of Public Hearing**

- (i) The Director must mail notice of a public hearing, as required below, by U.S. Mail at the applicant's cost to each owner at the address on file with the Mesa County, Colorado Assessor.
- (ii) At the applicant's cost, the Director shall also give notice to each person who attended any required neighborhood meeting.
- (iii) 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 U.S. mail.
- (iv) All mailed notices must be sent no less than ten days before a Public Hearing and must include each homeowner's associations (HOAs) or other group registered with the Public Works and Planning Department within 1,000 feet.

**(4) Property Sign**

- (i) When required below, the applicant shall post approved signs giving notice of the application. The applicant shall post at least one sign on each street frontage of the property at least ten calendar days before the initial public hearing and remain posted until the day after the final hearing. The applicant shall maintain the sign on the property until the day after the final public hearing.
- (ii) One sign per street frontage is required.

**(5) Five Percent Notice**

Mailed Notice and Sign Posting is not required for Comprehensive Plan amendments, rezonings, or zones of annexations for requests relating to more than five percent of the area of the City and/or related to a Citywide or area plan process.

**(6) Combined Notice**

If a project requires action on several permits at the same hearing, the Director may provide for a single, combined notice.

**(7) 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.

Type of Submittal or Request	Published Notice	Mailed Notice	Sign Notice
Administrative Development Application	–	–	–
Development Application Requiring Public Hearing	7 days	Owners within 500 feet	Yes
Comprehensive Plan Text Amendment	7 days	–	–
Code Text Amendment	7 days	–	–
Historic Preservation	7 days	–	–
Grand Valley Circulation Plan Amendment	7 days	–	–
Revocable Permit	–	–	–
Vested Rights	Within 10 days of approval	–	–
Subdivisions	-	Owners within 500 feet	Yes

**(h) Request for a Continuance Prior to Hearing**

- (1) An applicant shall have the right to one continuance before the Planning Commission, Zoning Board of Appeals or City Council. A written request for the continuance shall be submitted by the applicant or their representative to the Director. A request for a continuance may also be made by the City staff, the Planning Commission or City Council.
- (2) 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.
- (3) The review body may grant one continuance to a time, place and date certain, without taking any testimony, except pertaining to the adequacy of the notice.

**(i) 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.

**(j) Public Hearing Procedures****(1) 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.

**(2) Applicant's Option**

An applicant has the right to request a hearing at any time during the review process.

**(3) Conduct of Hearing**

- (i) Any person may offer relevant information in writing or in person. Every speaker representing one 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.
- (ii) The Director's written report and recommendations should be available three calendar days before the public hearing.
- (iii) 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.

- (iv) No person shall knowingly make a false statement nor present false, deceptive or slanderous testimony, comment or remarks at a public hearing.
- (4) **Continuance**  
The decision making body may grant a continuance of the public hearing.
- (5) **Additional Rules**  
The body conducting the hearing may adopt its rules of procedure to limit the number of applications for development approval to be considered per meeting and to limit the time for each presentation or speaker.
- (k) **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.
  - (1) **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.
  - (2) **Planning Commission as Recommending Body to City Council**  
If the Planning Commission is the recommending body, recommendations shall be forwarded to the City Council.
- (l) **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, reduces the impact of the project, or the amount of land involved in the project.
- (m) **Post-Decision Proceedings**
  - (1) **Rehearing**  
Any aggrieved person, including the Director, may request a rehearing or file an appeal of a final action (see Section 21.02.210).
  - (2) **Amendments and Revisions to Approval**
    - (i) The Director may approve corrections and revisions deemed 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.
    - (ii) The Director must give five days notice of such corrections by posting at City Clerk agenda board.
- (n) **Validity**
  - (1) **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:
    - (i) The applicant fails to satisfy any condition of the approval;
    - (ii) 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 year from the date of approval; or
    - (iii) The applicant fails to fulfill any promise made in writing or at any public hearing.
  - (2) **Extension Procedures**
    - (i) **Considerations**  
Development approval deadline or a development phasing schedule may be set for greater than one year, but not more than ten 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.

**(ii) 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.

**21.02.090 Vacation of Plat****(a) Purpose**

This Section is intended to provide a process for the vacation of plats, maps, and subdivisions that are no longer viable and to ensure the vacation minimizes any adverse impacts on the applicant, surrounding property owners, and the City.

**(b) Applicability**

If a plat has not been developed, has been partially developed, or has not been developed as approved, then the owner or the City 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 Comprehensive 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 to any property as required in Chapter 21.06 shall not be inhibited by the proposed vacation.

**(d) Decision-Maker**

- (1) The Director shall make recommendations to the Planning Commission.
- (2) The Planning Commission shall approve, conditionally approve or deny all applications for a plat vacation, except those subject to Subsection (3).
- (3) If the plat to be vacated includes rights-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.

**21.02.100 Vacation of Public Right-Of-Way or Easement****(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 Comprehensive 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 21.06; and
- (6) The proposal shall provide benefits to the City such as reduced maintenance requirements, improved traffic circulation, etc.

**(d) Decision-Maker**

- (1) The Director and Planning Commission shall make recommendations to City Council.
- (2) City Council shall approve, conditionally approve or deny all applications for a vacation of a right-of-way or easement. Vacation of a right-of-way shall be accomplished by the passing of an ordinance by City Council. Vacation of an easement shall be accomplished by resolution of the City Council.
- (3) The Director has the authority to review and approve, conditionally approve or deny a request for the vacation of an easement created for a temporary purpose, granted to the City by a separate instrument and not dedicated on a plat or map.

**(e) Recording**

All vacations must be recorded with the Mesa County Clerk and Recorder.

### 21.02.110 Conditional Use Permit (CUP)

**(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; it is one that is otherwise prohibited within a given zone district 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 Chapter 21.04 or elsewhere in this Code.

**(c) Approval 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 21.02.070(g) and conformance with Submittal Standards for Improvements and Development, Transportation Engineering Design Standards, and Stormwater Management Manual manuals;

**(2) District Standards**

The underlying zoning districts standards established in Chapter 21.03, except density when the application is pursuant to Section 21.08.020(c);

**(3) Specific Standards**

The use-specific standards established in Chapter 21.04;

**(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.

**(d) Signage**

No sign shall be allowed on properties on a conditional use site unless the sign has been approved as part of the site development plan. Variance of the maximum total surface area of signs shall not be permitted, but the maximum sign allowance for the entire development or use may be aggregated and the total allowance redistributed. See Section 21.06.070 for sign regulations.

**(e) Decision-Maker**

(1) The Director shall make recommendations to the Planning Commission.

(2) The Planning Commission shall approve, conditionally approve or deny all applications for a conditional use permit.

**(f) Application and Review Procedures**

Application requirements and processing procedures are described in Section 21.02.080.

**(g) 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 12 consecutive months.

## 21.02.120 Special Permit

### (a) Purpose

The special permit review provides an opportunity for additional flexibility when considering a land use that may be less than permanent. The special permit review is accomplished through a City Council discretionary review process. A special permit may be permitted under circumstances particular to the proposed location and subject to conditions that provide protection to adjacent land uses. A special permit is required only when more flexibility is required beyond that afforded to the Director through the administrative adjustment process (see Section 21.02.070(l)).

### (b) Applicability

(1) A special permit is allowed in those areas designated Neighborhood Center, Village Center, City Center (which includes Downtown) or Mixed Use Opportunity Corridors on the Future Land Use Map of the Comprehensive Plan or in the C-1 and I-0 zone districts along Horizon Drive north of G Road including Crossroads Boulevard and Horizon Court. A special permit shall be required prior to:

- (i) Allowing additional height beyond that permitted by a district's bulk standards; or
- (ii) Allowing additional building area beyond that permitted by a district's bulk standards.

(2) A special permit is allowed in all zone districts for the following uses and shall be required prior to:

- (i) Allowing a fence over six feet in height in any district;
- (ii) Any other special permit found elsewhere in this Code.

### (c) Approval Criteria

The application shall demonstrate that the proposed development will comply with the following:

#### (1) Comprehensive Plan

The special permit shall further the goals and policies of the Comprehensive Plan. The special permit shall serve to determine the location and character of site(s) in a Neighborhood Center, Village Center, City Center or Mixed Use Opportunity Corridors on the Future Land Use Map of the Comprehensive Plan.

#### (2) Site Plan Review Standards

All applicable site plan review criteria in Section 21.02.070(g) and Submittal Standards for Improvements and Development, Transportation Engineering Design Standards, and Stormwater Management Manual(s);

#### (3) District Standards

The underlying zoning districts standards established in Chapter 21.03, except as expressly modified by the proposed special permit; and

#### (4) Specific Standards

The use-specific standards established in Chapter 21.04.

### (d) Decision-Maker

- (1) The Director shall make recommendation(s) to the Planning Commission.
- (2) The Planning Commission shall make recommendation(s) to the City Council.
- (3) The City Council shall approve, conditionally approve or deny all applications for a special permit.

### (e) Application and Review Procedures

Application requirements and processing procedures are described in Section 21.02.080.

### (f) Validity

A special permit approval shall run with the land. City Council shall have authority to limit the scope and duration of a special permit for an interim use.



## 21.02.130 Comprehensive Plan Amendment (CPA)

### (a) Purpose

In order to maintain internal consistency within the Comprehensive Plan, Administrative changes and proposed amendments to the Comprehensive Plan must be consistent with the vision (intent), goals and policies included in the Plan.

### (b) Applicability

All proposed amendments to the text of the Comprehensive Plan shall comply with the provisions of this Section 21.02.130. Any proposed development that is inconsistent with any goals or policies of the Comprehensive Plan shall first receive approval of a Comprehensive Plan amendment. The Comprehensive Plan shall include all neighborhood plans, corridor plans, area plans, the Grand Valley Circulation Plan, the Urban Trails Master Plan, and all other elements adopted as a part of the Comprehensive Plan.

#### (1) Jurisdiction Approvals

Changes to various areas of the Grand Junction Comprehensive Plan require different land use approvals:

- (i) Land use changes located within the City limits may be approved by the City and do not require County approval.
- (ii) Changes to land use designations inside the Persigo 201 Boundary (outside the City limits) require annexation and City approval and do not require County approval.
- (iii) Changes to land use designations outside of the Persigo 201 Boundary require County approval and do not require City approval.
- (iv) Changes to the Persigo 201 Service Area require approval by the Persigo Board, which is comprised of the County Commissioners and the City Council.
- (v) Each entity will have an opportunity to comment on proposed changes to the Comprehensive Plan prior to adoption of the amendment.

### (c) Criteria for Plan Amendments

- (1) The City may amend the Comprehensive Plan, neighborhood plans, corridor plans and area plans if the proposed change is consistent with the vision (intent), goals and policies of the Comprehensive Plan and:
  - (i) Subsequent events have invalidated the original premise and findings; and/or
  - (ii) The character and/or conditions of the area has changed such that the amendment is consistent with the Plan; and/or
  - (iii) Public and community facilities are adequate to serve the type and scope of land use proposed; and/or
  - (iv) An inadequate supply of suitably designated land is available in the community, as defined by the presiding body, to accommodate the proposed land use; and/or
  - (v) The community or area, as defined by the presiding body, will derive benefits from the proposed amendment.
- (2) The City and County shall amend the Grand Valley Circulation Plan and Urban Trails Master Plan if:
  - (i) There was an error such that then existing facts, projects, or trends that were reasonably foreseeable were not accounted for; or
  - (ii) Subsequent events have invalidated the original premises and findings;
  - (iii) The character and/or condition of the area have changed enough that the amendment is acceptable;
  - (iv) The community or area, as defined by the presiding body, will derive benefits from the proposed amendment;
  - (v) The change will facilitate safe and efficient access for all modes of transportation; and
  - (vi) The change furthers the goals for circulation and interconnectivity.

### (d) Decision Maker: Administrative Changes

- (1) **Where the City of Grand Junction has sole jurisdiction, the Director has the authority to:**
  - (i) Make minor additions or clarifications to the policy section;
  - (ii) Correct errors or grammar;
  - (iii) Make land use designation changes for property that has multiple land use designations and is consistent with project approvals;
  - (iv) Approve flexibility in the location of the Village and Neighborhood Center by granting a ½ mile leeway; and

- (v) Allow the processing of a rezone application or request without a plan amendment when the proposed zoning is inconsistent with the Comprehensive Plan and the property is adjacent to the land use designation that would support the requested zone district.
- (e) Decision-Maker: Plan Amendments**
- (1) Inside of Persigo 201 Boundary**

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

If an amendment request fails, any pending Development application must be changed to be consistent with the plan.
- (f) Application and Review Procedure**
- (1) Procedure**

See Section 21.02.120.
  - (i)
  - (2) Deadlines**
    - (i) Plan amendments shall be processed when they are received.
  - (3) Application Requirements**
    - (i) Minimum Requirements**

In making a request for a Plan amendment the applicant shall address each of the criteria provided in this Section.
    - (ii) 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.

## 21.02.140 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) Subsequent events have invalidated the original premise and findings; and/or
- (2) The character and/or condition of the area has changed such that the amendment is consistent with the Plan; and/or
- (3) Public and community facilities are adequate to serve the type and scope of land use proposed; and/or
- (4) An inadequate supply of suitably designated land is available in the community, as defined by the presiding body, to accommodate the proposed land use; and/or
- (5) The community or area, as defined by the presiding body, will derive benefits from the proposed amendment.

### (b) Decision-Maker

- (1) The Director and Planning Commission shall make recommendations to the City Council.
- (2) 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 21.02.080(g).

### (c) Application and Review Procedures

#### (1) Procedure

See Section 21.02.080.

#### (2) Mixed Use Opportunity Corridors

Areas within a Mixed Use Opportunity Corridor designated on the Future Land Use Map in the Comprehensive Plan that are currently zoned for residential purposes may be rezoned for more intense use (including nonresidential uses), provided that the Form Districts of Section 21.03.090 are utilized and the depth of the lot measured perpendicular to the corridor is at least 150 feet. During consideration of the application of a Form District, the City Council shall consider the following:

- (i) The extent to which the rezoning furthers the goals and policies of the Comprehensive Plan; and
- (ii) The extent to which the proposed rezoning would enhance the surrounding neighborhood by providing walkable commercial, entertainment and employment opportunities, as well as alternative housing choices.

#### (3) Text Amendment

An application for an amendment to the text of this Code shall address in writing the reasons for the proposed amendment.

## 21.02.150 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 21.05. 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 21.05.010. Planned Development rezoning should be used when long-term community benefits will be derived, and the vision, goals and policies of the Comprehensive Plan can be achieved. 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 required. The purpose of an ODP is to demonstrate conformance with the Comprehensive Plan, and coordination of improvements within and among individually platted parcels, sections or phases of a development prior to the approval of a final plat. 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:

- (i) The Comprehensive Plan, Grand Valley Circulation Plan and other adopted plans and policies;
- (ii) The rezoning criteria provided in Section 21.02.140;
- (iii) The planned development requirements of Chapter 21.05;
- (iv) The applicable corridor guidelines and other overlay districts in Chapter 21.07;
- (v) Adequate public services and facilities shall be provided concurrent with the projected impacts of the development;
- (vi) Adequate circulation and access shall be provided to serve all development pods/areas to be developed;
- (vii) Appropriate screening and buffering of adjacent property and uses shall be provided;
- (viii) An appropriate range of density for the entire property or for each development pod/area to be developed;
- (ix) An appropriate set of "default" or minimum standards for the entire property or for each development pod/area to be developed;
- (x) An appropriate phasing or development schedule for the entire property or for each development pod/area to be developed; and

#### (3) Decision-Maker

- (i) The Director and Planning Commission shall make recommendations to City Council.
- (ii) City Council shall approve, conditionally approve or deny all applications for an ODP and accompanying planned development rezoning.

#### (4) Additional Application and Review Procedures

##### (i) Simultaneous Review of Other Plans

An applicant may file an ODP with a final development plan for all or a portion of the property, as determined by the Director at the preapplication conference.

- (ii) **Density/Intensity**  
Density/Intensity may be transferred between development pods/areas to be developed unless explicitly prohibited by the ODP approval.
  - (iii) **Validity**  
The effective period of the ODP/phasing schedule shall be determined concurrent with ODP approval.
  - (iv) **Required Subsequent Approvals**  
Following approval of an ODP, a subsequent final development plan approval shall be required before any development activity occurs.
- (c) **Final Development Plan (FDP)**
- (1) **Applicability**  
The plan and the plat ensure consistency with the approved ODP and specific development and construction requirements of various adopted codes.
  - (2) **Approval Criteria**  
A final development plan application shall demonstrate conformance with all of the following:
    - (i) The approved ODP, if applicable;
    - (ii) The approved PD rezoning ordinance, if applicable;
    - (iii) The Submittal Standards for Improvements and Development, Transportation Engineering Design Standards, and Storm water Management Manual manuals and all other applicable development and construction codes, ordinances and policies;
    - (iv) The applicable site plan review criteria in Section 21.02.070(g); and
    - (v) The applicable final plat criteria in Section 21.02.070(r).
  - (3) **Decision-Maker**  
The Director shall approve, conditionally approve, or deny all applications for a final development plan.
  - (4) **Additional Application and Review Procedures**
    - (i) **Concurrent Review of Subdivision**  
Unless specified otherwise at the time of ODP approval, if the form of ODP approval was a subdivision plan, a final plat may be approved and recorded prior to final plan approval for individual lots.
    - (ii) **Review of Covenants**  
The City Attorney shall review and approve all covenants and restrictions prior to final development plan approval.
    - (iii) **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 an ODP.
    - (iv) **Form of Final Action**  
The form of final approval by the Director shall be in the form of a decision letter.
  - (5) **Recording**  
Upon final approval, the plat shall be recorded, if applicable, in accordance with Section 21.02.070(u). 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.
- (d) **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 21.02.070(t); 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 21.02.070(m).

**(e) 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:

- (i) 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 provided the overall density for the entire PD is not exceeded;
- (ii) The maximum and minimum density for the entire PD shall not be exceeded without amending the rezoning ordinance through the rezoning process; and
- (iii) The bulk, performance and default standards may not be amended for the PD or a development pod/area to be developed without amending the PD rezoning ordinance through the rezoning process.

**(2) Outline Development Plan**

The approved outline development plan may be amended only by the same process by which it was approved, except for minor Amendments. Unless the adopted PD rezoning ordinance provides otherwise, the approved outline development plan may be amended as follows:

**(i) Minor Amendments**

The Director may approve the following amendments for individual lots within the area covered by an outline development plan provided all standards in the adopted PD rezoning ordinance are met:

- (A) Decreases in density so long as the character of the site is maintained;
- (B) Changes in bulk standards of up to ten percent so long as the character of the site is maintained;
- (C) Changes in the location and type of landscaping and/or screening so long as the character and intent of the original design are maintained;
- (D) 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
- (E) The reorientation, but not complete relocation, of major structures so long as the character of the site is maintained.
- (F) Simple Subdivision.

**(ii) Minor Amendment Review Process**

Such amendments shall be reviewed by the Director using the following review criteria:

- (A) The amendment shall not represent a significant change in any of the agreed upon deviations from the default standards.

**(iii) Major Amendments**

All other amendments to the outline development plan shall be reviewed by the Director and Planning Commission using the same process and criteria used for ODP review and approval. Final decision shall be made by City Council.

**(3) Final Development Plan**

Amendments to the final development plan may be approved by the Director using the same process and criteria used for outline development plan review and approval. Final development plans must be consistent with the approved outline development plan and rezoning ordinance.

**(f) 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, initiate, without owner consent, a zoning change on a lapsed PD to another zone district.

**(g) 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 owners 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.

**21.02.160 Annexation****(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 21.02.160.

**(c) Approval Criteria**

The application shall meet all applicable statutory and City administrative requirements. A complete copy of these requirements is available from the Public Works and Planning Department.

**(d) Decision-Maker**

(1) The Director shall make recommendations to City Council.

(2) 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 Public Works and Planning Department.

**(f) Zoning of Annexed Properties**

Land annexed to the City shall be zoned in accordance with Section 21.02.140 to a district that is consistent with the adopted Comprehensive Plan and the criteria set forth. Generally, future development should be at a density equal to or greater than the allowed density of the applicable County zoning district.



## 21.02.170 Vested Property Rights

### (a) Purpose

The purpose of this Section 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 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 Site Specific Development Plan.

### (c) Applicability

An Applicant may request, in writing to have property rights vest with a Site Specific Development Plan. The Site Specific Development Plan shall be applicable only to:

- (1) Property zoned Planned Development with the approved Final Development Plan constituting the Site Specific Development Plan, or
- (2) Any other application (i.e., Outline Development Plan, Site Plan, Conditional Use, Subdivision Plat, Final Development Plan or Development Improvements Agreement) provided that:
  - (i) The Applicant requests in writing that the Planning Commission hold a Public Hearing and approve a specific document/application as a Site Specific Development Plan; and/or
  - (ii) State 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 Site Specific Development Plan.

### (d) Approval Criteria

The application shall demonstrate compliance with all of the following:

- (1) The provisions stated in Sections 24-68-101 et seq., C.R.S.; and
- (2) The Final Development Plan review criteria of Section 21.02.150(c)(2).

### (e) Decision-Maker

- (1) The Director and Planning Commission shall make recommendations to City Council.
- (2) 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 Section 21.02.150(c), 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 Site Specific Development Plan 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 Site Specific Development Plan 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 Site Specific Development Plan contains the following language: "Approval of this plan may create a vested property right pursuant to Sections 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 Site Specific Development Plan, satisfy the notice requirements of Section 24-68-103(1), C.R.S. by publishing at his/her expense a notice, in a newspaper of general circulation within the City, advising the public of the Site Specific Development Plan approval and creation of vested property rights pursuant to law, together with a legal description of the property at issue in the Site Specific Development Plan.

**(5) Notice to City**

Within 14 calendar days after the approval of a Site Specific Development Plan, the applicant shall acknowledge by written instrument that he confirms his/her 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 Site Specific Development Plan 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 Site Specific Development Plan shall be declared void and lapsed and shall be reverted in accordance with Section 21.02.150.

**(8) Approval, Effective Date, Amendments**

A Site Specific Development Plan shall be deemed approved upon the last action by the City Council relating thereto. No amendment of a Site Specific Development Plan 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 Site Specific Development Plan 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 Site Specific Development Plan.

**(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.

**(10) Limitations**

Nothing in this Section 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 shall be deemed to be repealed, and the provisions hereof no longer effective.

## 21.02.180 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 shall be reviewed and may be approved by the Director.

### (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 not negatively impact access, traffic circulation, neighborhood stability or character, sensitive areas such as floodplains or natural hazard areas;
- (5) The proposed use is in conformance with and in furtherance of the implementation of the goals, objectives and policies of the Comprehensive Plan, other adopted plans and the policies, intents and requirements of this Code and other City policies; and
- (6) The application complies with the submittal requirements as set forth in the Section 127 of the City Charter, this Chapter 21.02 and the Submittal Standards for Improvements and Development manual.

### (d) Decision-Maker

- (1) The Director shall make recommendations to City Council when applicable.
- (2) City Council shall approve, conditionally approve, or deny all applications for a revocable permit, except:
  - (i) The Director shall approve, conditionally approve, or deny all applications for a revocable permit for landscaping and/or irrigation in a public right-of-way.

## 21.02.190 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 21.04, when such project: consists of multiple phases of construction and when constructed will include 100,000 square feet in one 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) Approval Criteria

In reviewing a Master Plan, the decision-making body shall consider the following:

- (1) Conformance with the Comprehensive Plan and other area, corridor or neighborhood plans;
- (2) Conformance with the Grand Valley Circulation Plan and general transportation planning requirements;
- (3) 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

- (1) The Director and Planning Commission shall make recommendations to City Council.
- (2) 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:
  - (i) Site access, traffic flow, pedestrian circulation/safety;
  - (ii) Adequate parking;
  - (iii) Location of open space and trails;
  - (iv) Drainage and storm water management;
  - (v) General building location and size; and
  - (vi) 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 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 21.02.150(e)(2)(i).

## 21.02.200 Variance

### (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 of any bulk requirement. Requests for variances to the bulk standards that are greater than ten percent and variances to the performance or use-specific standards of Chapter 21.04, all overlay district regulations of Chapter 21.07, excluding corridor overlay districts, and the sign regulations of Chapter 21.06 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:
  - (i) The establishment or expansion of a use in a district in which such use is not permitted by this Code;
  - (ii) Residential development which would result in an increase in density greater than that permitted in the applicable zoning district; and
  - (iii) Changes or modifications to any definition contained in this Code.

### (c) Approval Criteria

#### (1) 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 21.04,

#### (i) 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;

#### (ii) 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;

#### (iii) 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;

#### (iv) Reasonable Use

The applicant and the owner of the property cannot derive a reasonable use of the property without the requested variance;

#### (v) Minimum Necessary

The variance is the minimum necessary to make possible the reasonable use of land or structures;

#### (vi) 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

#### (vii) Conformance with the Comprehensive Plan

The granting of a variance shall not conflict with the goals and principles in the City's Comprehensive Plan.

**(2) 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:

**(i) 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;

**(ii) Not Contrary to Property Values**

The granting of a variance would not be materially detrimental to the property owners in the vicinity;

**(iii) 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

**(iv) 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.

**(3) Variance from Floodplain, Geologic and Wildfire Hazard Regulations (Hazards)**

A variance may be granted from the requirements of the overlay district provisions of Chapter 21.07, 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:

- (i) The danger that materials or fire may be swept onto other lands to the injury of others;
- (ii) The danger to life and property due to the presence of hazardous condition;
- (iii) The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owners;
- (iv) The importance of the services provided by the proposed facility to the community;
- (v) The necessity of the facility to a waterfront location, where applicable;
- (vi) The availability of alternative locations for the proposed use which are not subject to hazards;
- (vii) The relationship of the proposed use to the Comprehensive Plan and floodplain management program for that area;
- (viii) The safety of access to the property in times of flood for ordinary and emergency vehicles;
- (ix) 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
- (x) 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.

**(4) Limitations on Floodplain Variances**

- (i) Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.
- (ii) Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
- (iii) Variances shall only be issued upon:
  - (A) A showing of good and sufficient cause;
  - (B) A determination that failure to grant the variance would result in exceptional hardship to the applicant; and
  - (C) 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.

- (iv) 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.
  - (5) Variances to Landscape, Buffering and Screening Requirements, the 24 Road Corridor Design Standards and Guidelines, other Corridor or area overlay design standards and guidelines, and sewer requirement. A variance may be granted from the provisions or requirements of the Landscape, Buffering and Screening Requirements, Corridor or area overlay design standards and guidelines, and sewer requirement only if the applicant establishes that all of the criteria of Section (1)(i) through (1)(vii), are satisfied.
- (d) Decision-Maker**
- (1) The Director shall make recommendations to the Zoning Board of Appeals.
  - (2) 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 21.04, all overlay district regulations of Chapter 21.07, excluding corridor overlay districts, and the sign regulations of Chapter 21.06. 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.

## 21.02.210 Rehearing and Appeal

### (a) Purpose

The purpose of this Section 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. Each procedure has a separate decision maker (See Section 21.02.060).

### (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 this Section.

#### (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) Additional Application and Review Procedures

##### (i) Application Materials

The appellant shall provide a written statement citing the specific provision of this Code that the appellant believes the Director has incorrectly interpreted and the appellant's interpretation of the provision.

##### (ii) Notice

Notice of the hearing is not required to anyone other than the appellant.

##### (iii) Director's Report

The Director shall prepare a report detailing the specific provision of this Code that are in question, interpretation of the provision, 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 21.02.060 and Section (c).

#### (1) Appeal Criteria

In hearing an appeal of an administrative development permit, the appellate body shall consider, based on the information in the record before the Director, whether the Director:

- (i) Acted in a manner inconsistent with the provisions of this Code or other applicable local, state or federal law; or
- (ii) Made erroneous findings of fact based on the evidence and testimony on the record; or
- (iii) Failed to fully consider mitigating measures or revisions offered by the applicant that would have brought the proposed project into compliance; or
- (iv) Acted arbitrarily, or capriciously.

#### (2) Decision-Maker

The appellate body for a particular administrative development permit shall be as specified in Section 21.02.060. 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 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:



- (i) **Application Materials**

The appellant shall provide a written request that explains the rationale of the appeal based on the criteria provided in Section (1).
  - (ii) **Notice to Applicant**

If the appellant is not the applicant, the Director, within five working days of receipt of the request for appeal, shall notify the applicant of the request and the applicant shall have ten working days to provide a written response.
  - (iii) **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.
  - (iv) **Notice**

No notice of the appeal is required.
  - (v) **Conduct of Hearing**

The appellate body shall hold a hearing on the record to determine whether the Director acted as set forth in the criteria provided in Section (1). The appellate body shall consider only that evidence that was before the Director at the time of the Director's final action.
- (d) **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 Section (d).
- (1) **Approval Criteria**
    - (i) **Findings**

In granting an Appeal to action on a nonadministrative development permit, the appellate body shall find:

      - (A) 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
      - (B) The decision maker may have made erroneous findings of fact based on the evidence and testimony on the record; or
      - (C) 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
      - (D) The decision-maker may have acted arbitrarily, acted capriciously, and/or abused its discretion; or
      - (E) In addition to one 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.
    - (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 in 21.02.060. 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 members of the appellate body shall be required to reverse the decision-maker's action.
    - (4) **Application and Review Procedures**

Requests for an appeal shall be submitted to the Director in accordance with the following:

- (i) **Application Materials**

The appellant shall provide a written request that explains the rationale of the appeal based on the criteria provided in Section (c). 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.
  - (ii) **Application Fees**

The appropriate fee, as may be approved by the City Council, shall be submitted with the request.
  - (iii) **Application Deadline**

A request for an appeal shall be submitted within ten calendar days of the action taken by the decision-maker.
  - (iv) **Notice to Applicant**

If the appellant is not the applicant, the Director, within five working days of receipt of the request for appeal, shall notify the applicant of the request and the applicant shall have ten working days to review the request and provide a written response.
  - (v) **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.
  - (vi) **Notice**

Notice of the appeal hearing shall be provided in the same manner as was required with the original action.
  - (vii) **Hearing**

The Director shall schedule the Appeal before the appellate body within 45 calendar days of receipt of the appeal. The appellate body shall hold a hearing and render a decision within 30 calendar days of the close of that hearing.
  - (viii) **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.
- (e) **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. An affirmative vote of five members of the City Council shall be required to approve rezones and Comprehensive Plan Amendments recommended for denial by the Planning Commission. Procedural requirements provided elsewhere in this Code shall be applicable.

## Chapter 21.03 Zoning Districts

### 21.03.010 Purpose

The City is zoned into areas referred to as zones or districts. The purpose of establishing zones is to:

- (a) Implement the Comprehensive Plan;
- (b) Encourage the most appropriate use of land throughout the City and to ensure logical and orderly growth and development of the physical elements of the City;
- (c) Prevent scattered, haphazard growth and guide orderly transition of urban areas;
- (d) Conserve and enhance economic, social and aesthetic values;
- (e) Protect and maintain the integrity and character of established neighborhoods;
- (f) Facilitate provision of adequate public facilities and services, such as transportation, water, sewerage, schools and parks;
- (g) Promote the development of convenient and beneficial clusters of uses, including business and shopping facilities where satisfactory proof is made that the same are reasonably necessary and desirable for the public convenience and welfare;
- (h) Provide for adequate light and clean air;
- (i) Aid in preventing traffic congestion in the streets and public ways of the City;
- (j) Prevent unduly noisome and/or injurious substances, conditions and operations;
- (k) Secure safety from fire, panic and other dangers; and
- (l) Promote the public health, safety and welfare.

### 21.03.020 Zoning Map

#### (a) Establishment

The boundaries of zones established by this Code shall be shown on map entitled Zoning Map of the City of Grand Junction. Such maps are, by this reference, made a part of this Code.

#### (b) Boundaries

##### (1) Zone Boundaries

Usually zone boundaries shall be on municipal corporate lines, section lines, parcel lines, natural boundary lines or on the center lines of highways, streets, alleys, railroad rights of way or these lines extended. In cases where these lines are not used, the zone district lines shall be as determined by using the scale of the official Zoning District Map.

##### (2) Zoning Standards

If a parcel of land is divided by a zoning district boundary line at the time of enactment of this Code or by subsequent amendments thereto, the appropriate standards and uses for each zone shall apply on the portion of the parcel covered by that zone.

##### (3) Location and Maintenance

The official zoning map shall be located in, and maintained by, the Public Works and Planning Department. All amendments to the zoning map made in accordance with the requirements of this Code shall be shown on the maps.

##### (4) District Boundary Disputes

Disputes concerning the exact location of any zone district boundary line shall be decided in accordance with Chapter 21.02.

**(c) Districts**

<b>Residential Districts</b>	
R-R	Residential – Rural
R-E	Residential – Estate
R-1	Residential – 1
R-2	Residential – 2
R-4	Residential – 4
R-5	Residential – 5
R-8	Residential – 8
R-12	Residential – 12
R-16	Residential – 16
R-24	Residential – 24
<b>Mixed Use Districts</b>	
R-O	Residential – Office
B-1	Neighborhood Business
B-2	Downtown Business
C-1	Light Commercial
C-2	General Commercial
CSR	Community Services and Recreation
M-U	Mixed Use
BP	Business Park Mixed Use
<b>Industrial Districts</b>	
I-0	Industrial/Office Park
I-1	Light Industrial
I-2	General Industrial
<b>Form Districts</b>	
MXR-	Mixed Use Residential
MXG-	Mixed Use General
MXS-	Mixed Use Shopfront

(d) Districts to Implement the Comprehensive Plan

Zoning District	Comprehensive Plan Land Use Designation																
	RESIDENTIAL								NONRESIDENTIAL								
	Low				Medium		High		Commercial	NC-MU	VC-MU	DT-MU	Industrial	C/I	BP-MU	P & OS	Conservation/ Mineral Extraction
	Rural	Estate	RL	RML	RM	RMH	RH-MU	UR RH-MU									
RR	▪	▪	▪	▪													▪
R-E	▪	▪	▪	▪													
R-1	▪	▪	▪	▪													
R-2	▪	▪	▪	▪													
R-4	▪	▪	▪	▪	▪	▪											
R-5	▪	▪	▪	▪	▪	▪											
R-8					▪	▪			▪	▪					▪		
R-12					▪	▪			▪	▪					▪		
R-16						▪	▪	▪	▪	▪	▪				▪		
R-24+							▪	▪			▪	▪			▪		
R-O					▪	▪	▪	▪	▪	▪	▪				▪		
B-1								▪	▪	▪	▪						
B-2											▪						
C-1									▪	▪	▪	▪					
C-2									▪					▪			
CSR	▪														▪	▪	▪
M-U									▪				▪	▪			
BP														▪	▪		
I-O													▪	▪	▪		
I-1													▪	▪			
I-2													▪				
MXR-3 MXG-3 MXS-3										▪	▪	▪					
MXR-5 MXG-5 MXS-5											▪	▪					
MXR-8 MXG-8 MXS-8												▪					

### 21.03.030 Measurements

#### (a) Lot Area Measurement

- (1) Lot area means the amount of net land area contained within the property lines of a lot or parcel, not including street right-of-way. Lots that were legally created prior to adoption of this Code that are smaller than required may be developed if they meet the other provisions of this Code.
- (2) Essential unoccupied public utility installations, such as substations, shall be permitted in an area smaller than the minimum lot area prescribed by this Code. While coverage requirements shall not apply, all landscaping, screening and other requirements shall apply.
- (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:
  - (i) The abutting "tract" includes one or more of the following:
    - (A) A trail for the use of the general public;
    - (B) Public water or public sewer lines;
    - (C) A landscape buffer required pursuant to this Code;
    - (D) A drainage facility required by this Code; or
    - (E) 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.
  - (ii) 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;
  - (iii) The reduction in minimum lot size is less than or equal to the open area provided by the tract;
  - (iv) The tract shall contain no structure in perpetuity in the portion of the tract that is to provide for a portion of the minimum lot size.
  - (v) Maintenance of the tract is provided for in Covenants, Conditions and Restrictions or other binding agreement as approved by the City;
  - (vi) The tract will not provide any part of or be used in any part to establish a setback pursuant to Section (d)(5);
  - (vii) The tract is part of the subdivision or development that is the subject of the application.

#### (b) Lot Width

- (1) Lot width is measured between 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 Director 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:
  - (i) The abutting "tract" includes one or more of the following:
    - (A) A trail for the use of the general public;
    - (B) Public water or public sewer lines;
    - (C) A landscape buffer required pursuant to this Code;
    - (D) A drainage facility required by this Code; or
    - (E) 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;
  - (ii) 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;
  - (iii) The reduction in minimum lot width is less than or equal to the open area provided by the tract;
  - (iv) The tract shall contain no structure in perpetuity in the portion of the tract that is to provide for a portion of the minimum lot width;

- (v) Maintenance of the tract is provided for in Covenants, Conditions and Restrictions or other binding agreement as approved by the City;
- (vi) The tract will not also provide any part of or be used in any part to establish a setback pursuant to Section (d)(5);
- (vii) The tract is part of the subdivision or development that is the subject of the application.

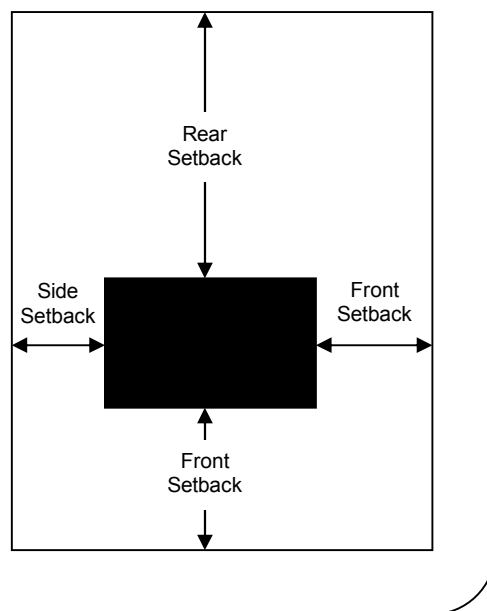
**(c) Street Frontage**

Street frontage is measured between side lot lines along the front lot line.

**(d) Setbacks**

**(1) Measurement**

Setbacks are measured as the unobstructed unoccupied open area between the furthest projection of a structure and the property line of the lot on which the structure is located, except as modified by the standards of this Section. Setbacks shall be unobstructed from the ground to the sky except as specified in this Section. Structures shall meet the front yard setback from all abutting streets unless otherwise provided in this Code.



**(2) Exceptions and Permitted Encroachments**

The following features may encroach into required setbacks:

- (i) Landscaping;
- (ii) Bay windows, not to exceed three feet;
- (iii) Chimneys, not to exceed two feet;
- (iv) Clothesline posts;
- (v) Driveways, curbs and sidewalks;
- (vi) Flagpoles;
- (vii) Heating and cooling units, not to exceed three feet;
- (viii) Mailboxes;
- (ix) Overhanging roof, eave, gutter, cornice, or other architectural feature and awnings, not to exceed three feet;
- (x) Underground utilities;
- (xi) Signs;
- (xii) Open steps, stairs or fire escapes (nonenclosed), not to exceed six feet;
- (xiii) Uncovered, unenclosed terraces, patio covers or porches, not to exceed six feet, but in no case closer than three feet to any property line;

- (xiv) Fences or walls, if otherwise allowed by this Code;
- (xv) Yard and service lighting fixtures and poles;
- (xvi) Required parking where not specifically prohibited;
- (xvii) Open carports, up to one-half of the required side or rear yard setback for principal structures, but not closer than three feet to the lot line;
- (xviii) In-ground swimming pools;
- (xix) Solar arrays or panels; and
- (xx) Pergolas with no encroachment into easement(s).

**(3) Setback Averaging**

Regardless of the minimum front setback required by the zoning district, a front setback may be reduced to the mean of the setbacks of the immediately adjoining lots that are on both sides of the subject lot. The following rules apply in calculating the mean setback:

- (i) Only the setbacks on the lots that abut a side of the subject lot at the street and are on the same side of the street may be used. Setbacks across the street or along a different street may not be used; and
- (ii) When one abutting lot is vacant, or if the subject lot is a corner lot, then the average is calculated using the setback of the not vacant lot and the zoning district minimum setback.
- (iii) Approval of setback averaging shall be in the form of a letter from the Director.

**(4) The following special setbacks shall apply where noted:**

- (i) On corner lots, in areas where an existing parkway strip exceeds ten feet in width between a sidewalk and the curb, the front yard setback on a side street may be varied by the Director under the conditions and restrictions listed below. A side street shall be considered that street corresponding to the side yard of the majority of the structures on a block. In unusual or conflicting circumstances, the Director shall designate which street is the side street.
    - (A) No variance shall be approved to less than five feet from property line.
    - (B) A variance may be approved only for a single family residential use.
    - (C) Any variance approved shall meet all other provisions of this Code, including sight distance requirements. No variance shall be granted unless the City Engineer finds, in writing, that the proposal will not create a danger to pedestrians or vehicle circulation.
    - (D) No vehicular access shall be allowed from a side street to any structure approved for a variance under the provisions of this Section.
    - (E) A variance shall only be effective if it is issued by the Director, contains the legal description and any terms and conditions, and is recorded by the applicant prior to issuance of a building permit.
  - (ii) More than one contiguous parcel of land in the same ownership may be used for a principal use and to satisfy setback requirements for structures if such owner records an instrument, approved by the City Attorney which limits the uses and rights to convey (including for loans) the contiguous parcel.
- (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:**
- (i) The abutting "tract" includes one or more of the following:
    - (A) A trail for the use of the general public;
    - (B) Public water or public sewer lines;
    - (C) A landscape buffer required pursuant to this Code;
    - (D) A drainage facility required by this Code; or
    - (E) 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;
  - (ii) The abutting "tract" runs the full length of the applicable lot line for which a reduction in setback requirement is sought;
  - (iii) The reduction in setback is less than or equal to the open area provided by the tract;



- (iv) The tract shall contain no structure in perpetuity in the portion of the tract that is required to provide for the necessary area for the setback;
- (v) Maintenance of the tract is provided for in Covenants, Conditions and Restrictions or other binding agreement as approved by the City;
- (vi) The tract will not also provide any part of, or be used in any part to establish the minimum lot size pursuant to Section (a)(3) or the minimum lot width pursuant to Section (b)(3);
- (vii) The tract is part of the subdivision or development that is the subject of the application.

**(6) Garage**

Minimum front yard setback for garage, carport or other vehicle storage space (principal and accessory) shall be 20 feet, measured from the storage entrance to the property line.

**(7) Multiple Frontage**

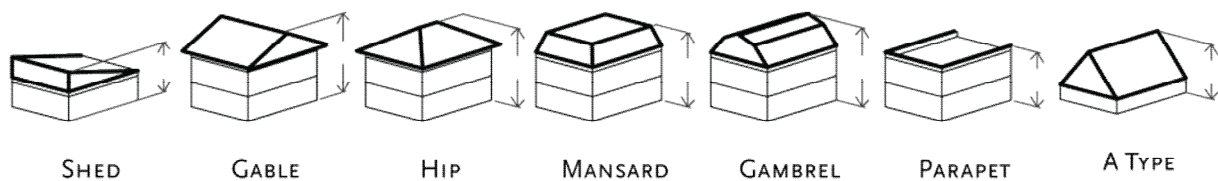
Any setback along a street shall be considered a front setback. Accessory structures may be allowed in a front setback through an Administrative Adjustment (see Section 21.02.070(l)).

**(e) Lot Coverage**

Lot coverage is measured as the percentage of the total lot area covered by buildings and other impervious surfaces. It is calculated by dividing the square footage of impervious surface by the square footage of the lot.

**(f) Height**

- (1) Building height means the vertical distance between the mean finished grade between the lowest and highest grades along the foundation and the highest point of the roof or façade (see graphic).



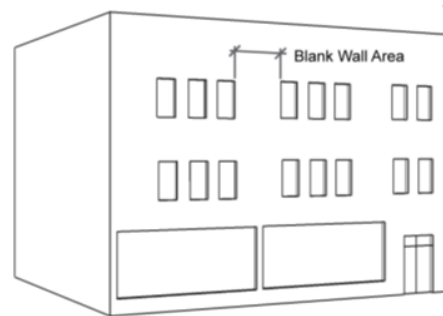
**(2) Exceptions**

Zoning district height limits do not apply to belfries, cupolas, spires, domes, monuments, airway beacons, radio/communication towers, windmills, flagpoles, chimneys, radio/television receiving antennas and chimney flues. (see Section (d)(2)) Height limits do not apply to any bulkhead, elevator, water tank, or to any similar structure or mechanical appurtenance or similar structure if total area of such structure is less than 20 percent of the total area of the roof.

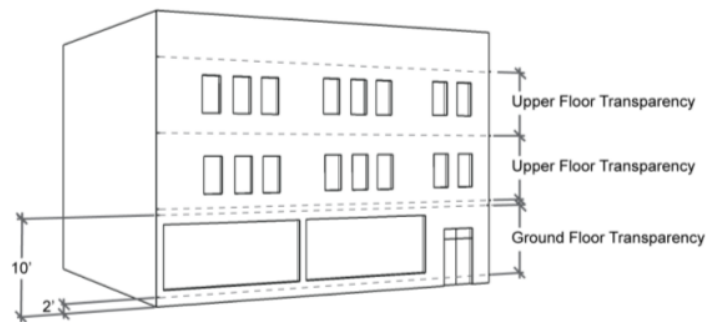
- (3) Any hazard or obstruction to aircraft as regulated by the FAA is prohibited. Buildings, belfries, towers, trees and flagpoles are examples of such hazards depending on location and height. The construction, maintenance, or establishment of any building, tree, smokestack, chimney, flagpole, wire, tower or other structure or appurtenances thereto, which may constitute a hazard or obstruction to safe air navigation, landing, or take off of aircraft near an airport, is prohibited. Regulations adopted by the Federal Aviation Administration (FAA) shall be minimum standards. No request shall be approved if it violates FAA standards.

**(g) Story Height**

- (1) An attic story is considered a half-story and counts toward the calculation of maximum number of stories.
- (2) Basements are not considered a story.
- (3) If a ground story is more than five feet above original grade, the space below counts as an additional story.
- (4) Ground floor elevation is measured from natural or improved grade (whichever is more restrictive) to the finished floor level of the ground floor. Grade is measured continuously across a lot.
- (5) Story height is measured from the top of finished floor to the top of the finished floor above.

**(h) Blank Wall Area**

- (1) A portion of the exterior façade of the building which does not include a substantial material change (paint color is not considered a substantial change); windows or doors; or columns, pilasters or other articulation greater than 12 inches in depth.
- (2) Blank wall area applies to both ground and upper story street facing facades.

**(i) Transparency**

- (1) Ground floor transparency (windows and doors) is measured between 2 and 12 feet above the adjacent sidewalk.
- (2) For form district building type Shopfront only (see 21.03.090(f)), a minimum of 60 percent of the street-fronting, street-level window pane surface area must allow views into the ground story use for a depth of at least six feet. Windows must be clear, unpainted, or made of similarly treated glass; spandrel glass or backpainted glass does not comply with this provision.

**(j) Density/Intensity****(1) Definitions**

The following definitions shall apply to all maximum and minimum density calculations for zoning and land use classifications, unless otherwise indicated.

**(2) Maximum Residential Density**

Maximum residential density means the number calculated by dividing the total number of dwelling units or residential lots, by the gross acreage expressed in square feet or acres of the development property. Gross land area includes the entire parcel or property at the time a Development Application is filed. The "gross residential Density" is calculated the same as maximum residential density.

**(3) Minimum Residential Density**

This calculation shall apply to the term "net minimum residential density" as used in this Code. Minimum residential density means the number calculated by dividing the total number of dwelling units or residential lots by the net developable land area of the development parcel. "Net developable land area" means all portions of the parcel at the time a development application is filed, minus the following if they are to be left as open space:

- (i) Floodways and Floodplains;
- (ii) As defined by the Clean Water Act: wetlands, surface waters, stream and river channels, banks and corridors;
- (iii) Slopes of greater than 30 percent or other areas of unstable soils that are not suitable for development;

- (iv) Clear Zones and Critical Zones;
  - (v) Open Space or recreation areas to be dedicated to a public agency or to a private entity approved by the Director to perpetually maintain the open space;
  - (vi) Ridgeline setback areas in excess of any required setbacks;
  - (vii) Areas of geologic hazards; and
  - (viii) Other areas that, in the opinion of the body reviewing the development, are similarly unsuitable for development.
- (4) Transitional Densities**  
Larger lots or other screening and buffering areas that are provided as a transition for adjoining established neighborhoods may be excluded from the density calculations for purposes of determining minimum density on those parcels that are not large enough to accommodate the transition and meet minimum density.
- (5) Other Residential Density**  
Density of group living facilities shall be calculated as four beds equal one dwelling unit. Group living facilities are meant to fit into a neighborhood with the same characteristics and requirements.
- (6) Application of Density/Intensity Definitions**  
The maximum and minimum residential density or nonresidential intensity requirements apply to all development except:
- (i) Minimum density requirements shall not apply to a simple subdivision if one or more lots can reasonably be resubdivided or developed in a manner that complies with the minimum density and other requirements of this Code;
  - (ii) There shall be no minimum density requirement applicable to a major subdivision if all but two of the resulting lots comply with the minimum density requirements and at least one of the two lots that do not comply can reasonably be resubdivided or developed in a manner that complies with the minimum density and other requirements of this Code and no other development is allowed; and
  - (iii) A mix of residential and nonresidential uses.
- (7) Mixed Use Density/Intensity**  
The density of a lot with a mix of residential and nonresidential uses ("mixed use").
- (i) **Mixed-Use Lot**  
The density of a mixed-use lot shall be calculated by dividing the total number of dwellings on the lot by the gross land area of the lot. The gross residential density of the lot shall be the maximum density permitted in the underlying zoning district. There is no minimum density requirement for a mixed-use lot, if at least ten percent of the gross floor area is used for nonresidential purposes.
  - (ii) **Mixed-Use Subdivision**  
In a mixed-use subdivision, the density shall be calculated for each lot, unless provided otherwise at the time of subdivision approval.

**21.03.040 Residential Districts**

**(a) R-R: Residential – Rural**

<b>Primary Uses</b>		
Detached Single-Family, Agricultural, Institutional and Civic See 21.04.010, Use Table		
<b>Lot</b>		
Area (min acres)		5
Width (min ft)		150
Frontage (min ft)		50
Frontage on cul-de-sac (min ft)		30
<b>Setback</b>		
	<b>Principal</b>	<b>Accessory</b>
Front (min ft)	20	25
Side (min ft)	50	50
Rear (min ft)	50	50
<b>Bulk</b>		
Lot Coverage (max)		5%
Height (max ft)		35
Height (max stories)		2.5
Density (max)		1 unit/5 acres
Cluster Allowed		Yes

**(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.

**(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.

**(b) R-E: Residential – Estate**

<b>Primary Uses</b>		
Detached Single-Family, Civic See 21.04.010, Use Table		
<b>Lot</b>		
Area (min acres)		1
Width (min ft)		100
Frontage (min ft)		50
Frontage on cul-de-sac (min ft)		30
<b>Setback</b>	<b>Principal</b>	<b>Accessory</b>
Front (min ft)	20	25
Side (min ft)	15	5
Rear (min ft)	30	10
<b>Bulk</b>		
Lot Coverage (max)		15%
Height (max ft)		35
Height (max stories)		2.5
Density (max)		1 unit/ 1 acres
Cluster Allowed		Yes

**(1) Purpose**

To provide areas for low density, estate-type single-family residential development on lots of at least one acre in size.

**(2) Sewer and Roads**

Only the City Council may waive the requirements that each structure be sewerd by the Persigo sewer system. Rural road standards may apply.

**(c) R-1: Residential – 1**

<b>Primary Uses</b>		
Detached Single-Family, Civic See 21.04.010, Use Table		
<b>Lot</b>		
Area (min sq ft)		30,000
Width (min ft)		100
Frontage (min ft)		50
Frontage on cul-de-sac (min ft)		30
<b>Setback</b>	<b>Principal</b>	<b>Accessory</b>
Front (min ft)	20	25
Side (min ft)	15	3
Rear (min ft)	30	10
<b>Bulk</b>		
Lot Coverage (max)		20%
Height (max ft)		35
Height (max stories)		2.5
Density (max)		1 unit/acre
Cluster Allowed		Yes

**(1) Purpose**

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

**(d) R-2: Residential – 2**

<b>Primary Uses</b>		
Detached Single-Family, Two Family Dwelling, Civic See 21.04.010, Use Table		
<b>Lot</b>		
Area (min sq ft)		15,000
Width (min ft)		100
Frontage (min ft)		50
Frontage on cul-de-sac (min ft)		30
<b>Setback</b>	<b>Principal</b>	<b>Accessory</b>
Front (min ft)	20	25
Side (min ft)	15	3
Rear (min ft)	30	5
<b>Bulk</b>		
Lot Coverage (max)		30%
Height (max ft)		35
Height (max stories)		2.5
Density (max)		2 units/acre
Cluster Allowed		Yes

**(1) Purpose**

To provide areas for medium-low density, single-family residential uses where adequate public facilities and services exist.

**(e) R-4: Residential – 4**

<b>Primary Uses</b>		
Detached Single-Family, Two Family Dwelling, Civic See 21.04.010, Use Table		
<b>Lot</b>		
Area (min sq ft)		8,000
Width (min ft)		75
Frontage (min ft)		20
<b>Setback</b>	<b>Principal</b>	<b>Accessory</b>
Front (min ft)	20	25
Side (min ft)	7	3
Rear (min ft)	25	5
<b>Bulk</b>		
Lot Coverage (max)		50%
Height (max ft)		40
Height (max stories)		3
Density (min)		2 units/acre
Density (max)		4 units/acre
Cluster Allowed		Yes

**(1) Purpose**

To provide for medium-low density single family uses where adequate public facilities and services are available. Two family dwellings may be allowed under special conditions.

**(2) Performance Standards**

Development shall conform to the standards established in this Code.

- (i) In a R-4 district, a two family dwelling may be built only on a corner lot and then only if:
  - (A) The minimum lot size is 14,000 square feet;
  - (B) The garage of each unit fronts on a different street;
  - (C) The main entry of each unit fronts on a different street;
  - (D) The gross density of the subdivision shall not exceed four dwellings per acre;
  - (E) The streets are classified as local streets or a local street and a residential collector; and
  - (F) Driveway locations must be in accordance with TEDS.
- (ii) The creation of a two family dwelling via the construction of a second dwelling unit attached to an existing single-family dwelling shall require that the construction materials and roof pitch of the addition match the construction materials and roof pitch of the existing dwelling and be architecturally compatible with the existing dwelling. The attaching of two manufactured homes shall not constitute a two family dwelling.
- (iii) For the purpose of calculating density on parcels smaller than five acres, one-half 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.



**(f) R-5: Residential – 5**

<b>Primary Uses</b>		
Detached Single-Family, Two Family Dwelling, Multi-family,, Civic See 21.04.010, Use Table		
<b>Lot</b>		
Area – Detached Single-Family (min sq ft)		4,000
Area – Two Family, Attached (min sq ft)		6,000
Area – Multifamily (min sq ft)		20,000
Area – Civic (min sq ft)		20,000
Width (min ft)		40
Width – Two Family (min ft)		60
Frontage (min ft)		20
<b>Setback</b>	<b>Principal</b>	<b>Accessory</b>
Front (min ft)	20	25
Side (min ft)	5	3
Rear (min ft)	25	5
<b>Bulk</b>		
Lot Coverage (max)		60%
Height (max ft)		40
Height (max stories)		3
Density (min)		3 units/acre
Density (max)		5 units/acre
Cluster Allowed		Yes

**(1) Purpose**

To provide for medium density detached and attached dwellings and multifamily in areas where large-lot development is discouraged and adequate public facilities and services are available. R-5 supports the Comprehensive Plan's principles of concentrating urban growth and reinforcing community centers. A mix of dwelling types is allowed in this district.

**(2) Performance Standards**

- (i) The creation of a two family dwelling via the construction of a second dwelling unit attached to an existing single-family dwelling shall require that the construction materials and roof pitch of the addition match the construction materials and roof pitch of the existing dwelling and be architecturally compatible with the existing dwelling. The attaching of two manufactured homes shall not constitute a two family dwelling.
- (ii) For the purpose of calculating density on parcels smaller than five acres, one-half 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.

**(g) R-8: Residential – 8**

<b>Primary Uses</b>		
Detached Single-Family, Two Family Dwelling, Multifamily, Civic See 21.04.010, Use Table		
<b>Lot</b>		
Area – Detached Single-Family (min sq ft)		3,000
Area – Two Family, Attached (min sq ft)		6,000
Area – Multifamily (min sq ft)		20,000
Area – Civic (min sq ft)		20,000
Width (min ft)		40
Width – Two Family (min ft)		60
Frontage (min ft)		20
<b>Setback</b>	<b>Principal</b>	<b>Accessory</b>
Front (min ft)	20	25
Side (min ft)	5	3
Rear (min ft)	10	5
<b>Bulk</b>		
Lot Coverage Two Family Dwelling, Civic (max)		70%
Height (max ft)		40
Height (max stories)		3
Density (min)		5.5 units/acre
Density (max)		8 units/acre
Cluster Allowed		No

**(1) Purpose**

To provide for medium-high density attached and detached dwellings, two family dwelling and multifamily. R-8 is a transitional district between lower density single family districts and higher density multifamily or business development. A mix of dwelling types is allowed in this district.

**(2) Performance Standards**

- (i) For the purpose of calculating density on parcels smaller than five acres, one-half 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.
- (ii) The creation of a two family dwelling via the construction of a second dwelling unit attached to an existing single-family dwelling shall require that the construction materials and roof pitch of the addition match the construction materials and roof pitch of the existing dwelling and be architecturally compatible with the existing dwelling. The attaching of two manufactured homes shall not constitute a two family dwelling.
- (iii) Minimum lot size, minimum lot width and minimum lot frontage does not apply to multifamily.
- (iv) The front yard setback shall be a minimum of 20 feet for principal structures with street facing garages and 15 feet for principal structures with alley loaded garages or with garages located in the rear yard or principal structures with no garage. For corner lots, a 20' front yard setback is allowed on the street frontage that the garage faces and a 15' setback on the other street frontage that the principal structure faces.
- (v) For all lots created after October 22, 2006, garage doors cannot exceed 45 percent of the width of the street facing façade on single family detached dwellings or two-family dwellings. The garage door can be up to a maximum of 60 percent of the street facing façade if the garage door is recessed at least four feet behind the front façade of the house.

**(h) R-12: Residential – 12**

<b>Primary Uses</b>		
Two Family Dwelling, Multifamily, Civic See 21.04.010, Use Table		
<b>Lot</b>		
Area (min sq ft)		n/a
Width (min ft)		30
Width – Two Family (min ft)		45
Frontage (min ft)		20
<b>Setback</b>	<b>Principal</b>	<b>Accessory</b>
Front (min ft)	20	25
Side (min ft)	5	3
Rear (min ft)	10	5
<b>Bulk</b>		
Lot Coverage Two Family Dwelling, Civic) (max)		75%
Height (max ft)		60
Height (max stories)		5
Density (min)		8 units/acre
Density (max)		12 units/acre
Cluster Allowed		No

**(1) Purpose**

To provide for high density development allowing several types of residential units within specified densities. R-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. This zone may be appropriate as a part of a mixed use center.

**(2) Performance Standards**

- (i) For purpose of calculating density on parcel, one-half of the land area of all adjoining rights-of-way may be included in the gross lot area.
- (ii) The creation of a two family dwelling via the construction of a second dwelling unit attached to an existing single-family dwelling shall require that the construction materials and roof pitch of the addition match the construction materials and roof pitch of the existing dwelling and be architecturally compatible with the existing dwelling. The attaching of two manufactured homes shall not constitute a two family dwelling.
- (iii) Minimum lot size, minimum lot width and minimum lot frontage does not apply to two family dwellings or multifamily.
- (iv) The front yard setback shall be a minimum of 20 feet for principal structures with street facing garages and 15 feet for principal structures with alley loaded garages or with garages located in the rear yard or principal structures with no garage.
- (v) For all lots created after October 22, 2006, garage doors cannot exceed 45 percent of the width of the street facing façade on two-family dwellings. The garage door can be up to a maximum of 60 percent of the street facing façade if the garage door is recessed at least four feet behind the front façade of the house.

**(i) R-16: Residential – 16**

<b>Primary Uses</b>		
Multifamily, Civic See 21.04.010, Use Table		
<b>Lot</b>		
Area (min sq ft)		n/a
Width (min ft)		30
Frontage (min ft)		20
<b>Setback</b>	<b>Principal</b>	<b>Accessory</b>
Front (min ft)	20	25
Side (min ft)	5	3
Rear (min ft)	10	5
<b>Bulk</b>		
Lot Coverage (Civic) (max)		75%
Height (max ft)		60
Height (max stories)		5
Density (min)		12 units/acre
Density (max)		16 units/acre
Cluster Allowed		No

**(1) Purpose**

To provide for high density development. R-16 may serve as a transitional district between single family and trade zones. This district is intended to allow multifamily residential unit types to provide a balance of housing opportunities in the community. It is appropriate in the Village and Neighborhood Centers.

**(2) Performance Standards**

- (i) For purpose of calculating density on any parcel, one-half of the land area of all adjoining rights-of-way may be included in the gross lot area.
- (ii) The front yard setback shall be a minimum of 20 feet for principal structures with street facing garages and 15 feet for principal structures with alley loaded garages or with garages located in the rear yard or principal structures with no garage.

**(j) R-24: Residential – 24**

<b>Primary Uses</b>		
Multifamily, Civic See 21.04.010, Use Table		
<b>Lot</b>		
Area (min sq ft)		n/a
Width (min ft)		30
Frontage (min ft)		20
<b>Setback</b>	<b>Principal</b>	<b>Accessory</b>
Front (min ft)	20	25
Side (min ft)	5	3
Rear (min ft)	10	5
<b>Bulk</b>		
Lot Coverage (Civic) (max)		80%
Height (max ft)		72
Height (max stories)		6
Density (min)		16 units/acre
Density (max)		No maximum
Cluster Allowed		No

**(1) Purpose**

To provide for high density residential use. This district allows multifamily development within specified densities. R-24 may serve as a transitional district between single family and trade zones. This district is intended to allow high density residential unit types and densities to provide a balance of housing opportunities in the community. It is appropriate in the Village and Neighborhood Centers.

**(2) Performance Standards**

- (i) For purpose of calculating density on any parcel, one-half of the land area of all adjoining rights-of-way may be included in the gross lot area.
- (ii) The front yard setback shall be a minimum of 20 feet for principal structures with street facing garages and 15 feet for principal structures with alley loaded garages or with garages located in the rear yard or principal structures with no garage.

**RESIDENTIAL DISTRICT SUMMARY TABLE**

	RR	R-E	R-1	R-2	R-4	R-5	R-8	R-12	R-16	R-24
<b>Lot</b>										
Area (min ft unless otherwise specified)	5 acres	1 acre	30,000	15,000	8,000	4,000	3,000	n/a	n/a	n/a
Width (min ft)	150	100	100	100	75	40	40	30	30	30
Frontage (min ft)	50	50	50	50	20	20	20	20	20	20
Frontage on cul-de-sac (min ft)	30	30	30	30	n/a	n/a	n/a	n/a	n/a	n/a
<b>Setback</b>										
Principal structure										
Front (min ft)	20	20	20	20	20	20	20	20	20	20
Side (min ft)	50	15	15	15	7	5	5	5	5	5
Rear (min ft)	50	30	30	30	25	25	10	10	10	10
Accessory structure										
Front (min ft)	25	25	25	25	25	25	25	25	25	25
Side (min ft)	50	5	3	3	3	3	3	3	3	3
Rear (min ft)	50	10	10	5	5	5	5	5	5	5
<b>Bulk</b>										
Lot Coverage (max)	5%	15%	20%	30%	50%	60%	70%	75%	75%	80%
Height (max ft)	35	35	35	35	40	40	40	60	60	72
Height (max stories)	2.5	2.5	2.5	2.5	3	3	3	5	5	6
Density (min units per acre)	n/a	n/a	n/a	n/a	n/a	3	4	8	12	16
Density (max units per acre)	1 unit / 5 acres	1	1	2	2	5	8	12	16	n/a
Cluster Allowed	Yes	Yes	Yes	Yes	Yes	Yes	Yes	No	No	No

**Notes**

R-5: Min Lot Area varies by building type, Detached Single Family- 4000 sf, Two Family Attached – 3000 sf, Multifamily – 20,000 sf, Civic – 20,000 sf; Min lot width varies by building type, Two family – 60 ft, all other types – 40 ft  
 R-8: Min Lot Area varies by building type, Detached Single Family and Two Family Attached – 3000 sf, Multifamily – 20,000 sf, Civic – 20,000 sf, Min lot width varies by building type, Two family – 60 ft, all other types – 40 ft  
 R-12: Min lot width varies by building type, Two family – 45 ft, all other types – 30 ft

## 21.03.050 Residential Design Standards

### (a) Two Family, Attached Single Family, Multifamily Dwellings

In accordance with the provisions of this paragraph, attached dwellings shall be allowed as indicated in 21.04.010.

- (1) There is no side setback for attached single family dwellings or the common wall of two family dwellings. Covenants shall provide for the maintenance of common walls, other common structures and common spaces and facilities.
- (2) The City Attorney may require changes and additions to ensure long term maintenance of all structures and property.
- (3) Attached single family and multifamily dwellings that front onto a private drive, shared drive, parking lot, or other private access way shall be set back a minimum of 15 feet from the edge of the access way, with front loading garages setback a minimum of 20 feet from any vehicular or pedestrian access way.

### (b) Zero Lot Line Development

In a zero lot line development, dwellings are shifted to one side of the lot to provide greater usable yard space on each lot.

- (1) A zero lot line development is allowed in any residential zone except in an R-R, R-E, R- I, or R-2 zone, such development must be clustered.
- (2) The outside boundary of the permissible building envelope for each lot must be graphically depicted on a map, to be recorded with the plat. The corresponding plat shall note the existence of the building envelope map and reference its recording information.
- (3) One side setback may be reduced down to zero. The street side setback and interior side setbacks abutting a property outside the project shall not change.
- (4) All zero lot line development shall comply with the following:
  - (i) The minimum distance between adjacent structures in the development must be equal to twice the required side setback of the zone unless changed pursuant to a cluster. The eaves, including any gutters, on the side of the dwelling with the reduced setback may encroach up to 18 inches into the abutting lot within the project. The building envelope map shall note the extent and location of the potential encroachment. Appropriate easements shall be created for maintenance/repair purposes.
  - (ii) A maintenance/repair easement shall be created when the eaves or side wall of a proposed house would be within four feet of the abutting property. In addition, any structure on the abutting lot is restricted to one or more feet from the common boundary so that after construction of both dwellings there remains at least five feet between the structures at all points, except when the structure is attached dwelling units.
  - (iii) If the side wall of a house is on or within three feet of the property line, no windows or other openings in the wall are allowed, for privacy and due to the building and fire codes.

**21.03.060 Cluster Developments**

- (a) To preserve environmentally sensitive areas, open space and agricultural lands, cluster development is encouraged.
- (b) In any residential zone district where clustering is permitted, the Director may approve lots that are smaller and arranged differently than otherwise allowed under this Code.
- (c) Unless provided otherwise by the subdivision approval, cluster subdivisions must meet the following standards:
  - (1) 20 percent of the gross acreage must be open space;
  - (2) The minimum lot size is the percentage of open space of total acres of the entire development multiplied by 1.5. The minimum lot size requirement of the underlying zoning district may then be reduced by the resulting percentage. Minimum lot size shall also be subject to other provisions, such as Section 21.07.020(f) Hillside Development, which might further restrict lot size. The following table provides example lot sizes based on various open space reservations.
  - (3) In no event shall any lot be less than 3,000 square feet.
  - (4) Bulk requirements for clustered lots are those of the district which has the closest lot sizes. For example, if an R-2 district is developed with 30 percent open space then the bulk requirements of the R-4 district apply.
  - (5) The bulk standards of the R-8 district apply to every lot of less than 4,500 square feet.

	Min Req. Lot Size	20 Percent Open Space	30 Percent Open Space	50 Percent Open Space	66 Percent Open Space
R-R	5 acres	3.5 acres	2.75 acres	1.25 acres	3,000 sq ft
R-E	1 acre	1 acre	1 acre	21,780 sq ft	3,000 sq ft
R-1	1 acre	30,000 sq ft	23,958 sq ft	10,890 sq ft	3,000 sq ft
R-2	15,000 sq ft	11,900 sq ft	9,350 sq ft	4,250 sq ft	3,000 sq ft
R-4	8,000 sq ft	5,600 sq ft	4,400 sq ft	3,000 sq ft	3,000 sq ft
R-5	4,000 sq ft	3,500 sq ft	3,000 sq ft	3,000 sq ft	3,000 sq ft

- (d) At least 20 percent of a cluster development shall be open space. Unless the Director approves otherwise, public open space shall abut or provide easy access to or protect other public land especially federal land. The applicant for cluster development shall:
  - (1) Offer the open space to dedicate to a local government or other entity approved by the Director. Open space in a cluster shall be offered as a dedication to the City or, at the election of the City, to a nonprofit trust or conservancy approved by the City;
  - (2) Convey open space to an entity to hold it in perpetuity for the owners of lots and/or the public; or
  - (3) Establish a conservation easement for Agricultural land to be preserved in the form approved by the City Attorney.
- (e) All open space shall be conveyed to, owned and maintained by an entity approved by the City. The covenants and restrictions regarding perpetual preservation and maintenance of the open space, including provisions addressing:
  - (1) Maintenance duties of the grantee;
  - (2) A mechanism so that each lot owner may be assessed by the grantee; and
  - (3) The power but not any duty of the City to enforce any covenant or restriction.
- (f) Open space shall be provided for each phase of a development or all may be provided at the first phase. If common open space will not be provided proportionally by phase, the developer shall on the first plat identify all areas of all phases which are intended to be open space and deliver to the City Clerk a warranty deed to all such areas which will be recorded if the development is not completed.
- (g) Unless the Director approves otherwise, public open space shall abut or provide easy access to or protect other public land especially federal land. Open space design and developer constructed improvements shall:
  - (1) Be linked to existing and planned public open spaces, constructed areas and trails as the Director deems possible;
  - (2) Maximize access and use by residents of the cluster development; and
  - (3) Provide trails, paths and walkways to recreation areas, schools, commercial areas and other public facilities.
- (h) The Director may require:
  - (1) Paved pedestrian paths, located in rights-of-way or easements;
  - (2) Paved bicycle ways; and



- (3)** Equestrian trails surfaced with softer materials such as wood chips or gravel.
- (i)** Landscaping.

  - (1)** The perimeter of a cluster development which abuts a right-of-way shall be buffered. If the cluster development has the same zoning as the adjacent property, a perimeter enclosure in accordance with Section 21.06.040 may be required and/or some other form of buffering to be determined to be necessary to buffer the developed portion of the cluster from adjoining development. All, or a portion of, the Open Space shall be located between the clustered development and adjoining development.
  - (2)** The project landscaping and buffer design shall be established as part of any preliminary subdivision plan approval.
- (j)** A cluster development project may be developed in phases. The Director may require the applicant to divide the project into phases in order to meet requirements and standards contained in these regulations. Each phase must be self-sufficient with adequate facilities and services and contain a mix of residential uses and densities and open space, while meeting the requirements, standards and conditions applicable to the project as a whole.

## 21.03.070 Mixed Use Districts

### (a) R-O: Residential Office

Primary Uses		
Professional Offices, Detached Single Family, Two Family Dwelling, Multifamily, Civic See 21.04.010, Use Table		
Lot		
Area (min sq ft)		5,000
Width (min ft)		50
Setback	Principal	Accessory
Front (min ft)	20	25
Side (min ft)	5	3
Rear (min ft)	10	5
Bulk		
Lot Coverage (max)		70%
Height (max ft)		40
Height (max stories)		3
Density (min)		4 units/acre
Density (max)		No max residential density
Building Size (max sf)		10,000

#### (1) Purpose

To provide low intensity, non-retail, 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.

#### (2) Performance Standards

New construction, including additions and rehabilitations, in the R-O district shall be designed with residential architectural elements and shall be consistent with existing buildings along the street. "Consistent" means the operational, site design and layout, and architectural considerations described in the next subsections.

#### (3) Site Design, Layout and Operational Considerations

##### (i) Parking

Business uses in the R-O 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 or more than six feet (vegetation may exceed six feet in height). Fences must comply with Section 21.04.040(i), any design guidelines and other conditions of approval.

##### (ii) 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.

##### (iii) Use of Front Yard

Front yards shall be reserved for landscaping, sidewalks, driveway access to parking areas and signage.

##### (iv) Hours of Business

No uses in this district shall open earlier than 7:30 AM and shall close no later than 8:00 PM.

##### (v) Outdoor Storage and Display

Outdoor storage and display areas associated with nonresidential uses are prohibited.

**(4) Architectural Considerations****(i) Building Alignment along Streets**

Every new building and addition shall be located so that it aligns with existing neighborhood buildings in both 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).

**(ii) Building Orientation/Style**

Main entrances shall open onto a street and shall align with those of adjacent residential buildings. For example, in many R-O 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.

**(iii) 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.

**(iv) Height**

New buildings shall have the same number of stories and a height which is compatible with those of nearby dwellings. Three stories shall be the maximum subject to maximum height of 40 feet.

**(v) Roof Shape**

The roofs of new buildings shall be visually compatible with nearby dwellings. Roof pitch shall be at least 4:12.

**(vi) Fenestration**

Windows and doors 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 R-O District areas.

**(vii) 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 with materials used on the building facade.

**(viii) Signage**

See Section 21.06.070(g)(2) for sign standards in the R-O District.

**(b) B-1: Neighborhood Business**

<b>Primary Uses</b>		
Offices, Retail, Services See 21.04.010, Use Table		
<b>Lot</b>		
Area (min sq ft)		10,000
Width (min ft)		50
Frontage (min ft)		n/a
<b>Setback</b>	<b>Principal</b>	<b>Accessory</b>
Front (min ft)	20	25
Side (min ft)	0	0
Side abutting residential (min ft)	10	5
Rear (min ft)	15	15
<b>Bulk</b>		
Lot Coverage (max)		n/a
Height (max ft)		40
Height (max stories)		3
Density (min)		8 units/acre
Density (max)		16 units/acre
Building Size (max sf)	15,000 for retail unless a CUP is approved 30,000 for office	

**(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.

**(2) Performance Standards**

**(i) 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.

**(ii) 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 and no deliveries.

**(iii) Service Entrances**

Business service entrances, service yards and loading areas shall be located only in the rear or side yard.

**(iv) 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.

**(c) B-2: Downtown Business**

<b>Primary Uses</b>		
Offices, Retail, Civic, Government, Services, Residential See 21.04.010, Use Table		
<b>Lot</b>		
Area (min sq ft)		n/a
Width (min ft)		n/a
Frontage (min ft)		n/a
<b>Setback</b>	<b>Principal</b>	<b>Accessory</b>
Front (min ft)	0	25
Side (min ft)	0	0
Rear (min ft)	0	0
Parking Setback	30	6
<b>Bulk</b>		
First floor min height		15
Lot Coverage (max)		n/a
Height (max ft)		80
Height (max stories)		5
Density (min)		8 units/acre
Density (max)		No max residential density

**(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 Area as provided by the Comprehensive Plan. Pedestrian circulation is encouraged as are common parking areas.

**(2) Street Design**

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

**(3) Performance Standards****(i) Landscaping**

Landscaping is required for surface parking and for the park strip in the right-of-way.

**(ii) Service Entrances**

Service entrances, service yards and loading areas shall be located only in the rear or side yard.

**(iii) Outdoor Storage and Display**

Outdoor storage and permanent displays are prohibited. Portable display of retail merchandise may be permitted subject to this Code.

**(4) Open Space**

**(i) Public Parks and Open Space Fee.** The owner of any residential or mixed use project in a B-2 zone district shall be subject to the required Parks Impact Fee.

**(ii) Open Space Requirement.** Multifamily or mixed use developments in a B-2 zone district shall be required to pay ten percent of the value of the raw land of the property as determined in Section 21.06.020(b).

**(d) C-1: Light Commercial**

<b>Primary Uses</b>		
Offices, Retail, Services See 21.04.010, Use Table		
<b>Lot</b>		
Area (min sq ft)		20,000
Width (min ft)		50
Frontage (min ft)		n/a
<b>Setback</b>	<b>Principal</b>	<b>Accessory</b>
Front (min ft)	15	25
Side (min ft)	0	0
Side abutting residential (min ft)	10	5
Rear (min ft)	10 (0 Alley)	10 (0 Alley)
<b>Bulk</b>		
Lot Coverage (max)		n/a
Height (max ft)		40
Height (max stories)		3
Density (min)		12 units/acre
Density (max)		24 units/acre
Building Size (max sf)	80,000 unless a CUP is approved	

**(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.

**(2) Street Design**

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

**(3) Performance Standards****(i) Service Entrances**

Building entrances to service yard and loading areas shall be located only in the rear and side yard.

**(ii) 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 when a CUP has been issued. Portable display of retail merchandise may be permitted subject to this Code.

**Height**

Maximum height for structures in the C-1 and I-0 zone districts which are north of G Road and east of 27 Road along Horizon Drive and north of G Road (including Crossroad Boulevard and Horizon Court) shall be 65 feet, except by Special Permit for additional height.

**(e) C-2: General Commercial**

<b>Primary Uses</b>		
General Retail and Services See 21.04.010, Use Table		
<b>Lot</b>		
Area (min sq ft)		20,000
Width (min ft)		50
Frontage (min ft)		n/a
<b>Setback</b>	<b>Principal</b>	<b>Accessory</b>
Front (min ft)	15	25
Side (min ft)	0	0
Side abutting residential (min ft)	10	5
Rear (min ft)	10	10
<b>Bulk</b>		
Lot Coverage (max)		n/a
Height (max ft)		40
Height (max stories)		3
Building Size (max sf)	150,000 unless a CUP is approved	

**(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.

**(2) Street Design**

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

**(3) Performance Standards**

Outdoor storage and display areas are not allowed within the front yard setback. Permanent and portable display of retail merchandise is permitted.

**(f) CSR: Community Services and Recreation**

<b>Primary Uses</b>		
Parks, open space, schools, libraries, recreational facilities See 21.04.010, Use Table		
<b>Lot</b>		
Area (min acres)		1
Width (min ft)		100
Frontage (min ft)		n/a
<b>Setback</b>	<b>Principal</b>	<b>Accessory</b>
Front (min ft)	15	25
Side (min ft)	5	5
Rear (min ft)	10	5
<b>Bulk</b>		
Lot Coverage (max)		n/a
Height (max ft)		65
Height (max stories)		5
Height abutting residential (max ft)		40
Building Size (max sf)	80,000 unless a CUP is approved	

**(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. 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. The District may also be used for public property, environmentally sensitive lands, and extractive uses (gravel pits) regardless of the land use designation.

**(2) Performance Standards**

Development shall conform to the standards established in this Code. Outdoor storage areas shall comply with the standards in 21.04.040(h), except that those associated with extractive uses, in which case no screening shall be required for an extractive use unless required by Chapter 21.04 or Chapter 21.06 in order to buffer from neighborhood uses or zones.



**(g) M-U: Mixed Use**

<b>Primary Uses</b>		
Employment, residential, limited retail, open space See 21.04.010, Use Table		
<b>Lot</b>		
Area (min acres)		1
Width (min ft)		100
Frontage (min ft)		n/a
<b>Setback</b>	<b>Principal</b>	<b>Accessory</b>
Front (min ft)	15	25
Side (min ft)	15	15
Side abutting residential zone (min ft)	10	5
Rear (min ft)	25	25
<b>Bulk</b>		
Lot Coverage (max)		n/a
Height (max ft)		65
Height (max stories)		5
Density (min)		8 units/acre
Density (max)		24 units/acre
Building Size (max sf)	150,000 unless a CUP is approved	

**(1) Purpose**

To provide for a mix of light manufacturing and office park employment centers, 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.

**(2) Performance Standards**

Development shall conform to the standards established in this Code.

- (i) Refer to any applicable overlay zone district and/or corridor design standards and guidelines.
- (ii) Loading/Service Areas. Loading docks and trash or other service areas shall be located only in the side or rear yards.
- (iii) 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.
  - (A) 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.
  - (B) Noise: The owner and occupant shall regulate uses and activities on the property so that sound never exceeds 65 decibels at any point on the property line.
  - (C) Glare: Lights, spotlights, high temperature processes or otherwise, whether direct or reflected, shall not be visible from any lot, parcel or right-of-way.
  - (D) 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. Incineration of trash or garbage is prohibited. No sewage or liquid wastes shall be discharged or spilled on the property.
  - (E) 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.

- (F) 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 21.04.

**(h) BP: Business Park Mixed Use**

<b>Primary Uses</b>		
Employment, light manufacturing, multifamily, commercial services See 21.04.010, Use Table		
<b>Lot</b>		
Area (min acres)		1
Width (min ft)		100
Frontage (min ft)		n/a
<b>Setback</b>	<b>Principal</b>	<b>Accessory</b>
Front (min ft)	15	25
Side (min ft)	15	15
Rear (min ft)	25	25
<b>Bulk</b>		
Lot Coverage (max)		n/a
Height (max ft)		65
Height (max stories)		5
Density (min)		8 units/acre
Density (max)		24 units/acre
Building Size (max sf)	200,000 unless a CUP is approved	

**(1) Purpose**

To provide for a mix of light manufacturing and employment centers, limited commercial services, and multifamily residential uses in a business park setting with proper screening and buffering, all compatible with adjoining uses.

**(2) Street Design**

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

**(3) Performance Standards**

**(i) Loading Docks**

Loading docks shall be located only in the side or rear yards.

**(ii) Vibration, Smoke, Odor, Noise, Glare, Wastes, Fire Hazards and Hazardous Materials**

No person shall occupy, maintain or allow any use in a BP 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.

- (A) 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.
- (B) Noise:** The owner and occupant shall regulate uses and activities on the property so that sound never exceeds 65 decibels at any point on the property line.
- (C) Glare:** lights, spotlights, high temperature processes or otherwise, whether direct or reflected, shall not be visible from any lot, parcel or right-of-way.
- (D) 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. Incineration of trash or garbage is prohibited. No sewage or liquid wastes shall be discharged or spilled on the property.
- (E) 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.

- (iii) **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 21.04.040(h)

### 21.03.080 Industrial Districts

**(a) I-0: Industrial/Office Park**

<b>Primary Uses</b>		
Light manufacturing, office, commercial services See 21.04.010, Use Table		
<b>Lot</b>		
Area (min acres)		1
Width (min ft)		100
Frontage (min ft)		n/a
<b>Setback</b>		
	<b>Principal</b>	<b>Accessory</b>
Front (min ft)	15	25
Side (min ft)	15	15
Rear (min ft)	25	25
<b>Bulk</b>		
Lot Coverage (max)		n/a
Height (max ft)		65
Height (max stories)		5
Building Size (max sf)	250,000 unless a CUP is approved	

**(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.

**(2) Street Design**

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

**(3) Performance Standards**

**(i) Retail Sale Area**

Areas devoted to retail sales shall not exceed ten percent of the gross floor area of the principal structure, and 5,000 square feet on any lot or parcel.

**(ii) Loading Docks**

Loading docks shall be located only in the side or rear yards.

**(iii) 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.

- (A) 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.
- (B) Noise:** The owner and occupant shall regulate uses and activities on the property so that sound never exceeds 65 decibels at any point on the property line.
- (C) Glare:** lights, spotlights, high temperature processes or otherwise, whether direct or reflected, shall not be visible from any lot, parcel or right-of-way.
- (D) 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. Incineration of trash or garbage is prohibited. No sewage or liquid wastes shall be discharged or spilled on the property.

- (E) 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.

**(iv) Outdoor Storage and Display**

Outdoor storage and permanent display areas shall only be located in the rear half of the lot, or beside or behind the principal structure. Portable display of retail merchandise may be permitted as provided in 21.04.040(h).

**Height**

Maximum height for structures in the C-1 and I-0 zone districts which are north of G Road and east of 27 Road along Horizon Drive and north of G Road (including Crossroad Boulevard and Horizon Court) shall be 65 feet.

**(b) I-1: Light Industrial**

<b>Primary Uses</b>		
Manufacturing, office, commercial services See 21.04.010, Use Table		
<b>Lot</b>		
Area (min acres)		1
Width (min ft)		100
Frontage (min ft)		n/a
<b>Setback</b>	<b>Principal</b>	<b>Accessory</b>
Front (min ft)	15	25
Side (min ft)	5	5
Side abutting residential (min ft)	10	5
Rear (min ft)	10	10
<b>Bulk</b>		
Lot Coverage (max)		n/a
Height (max ft)		50
Height (max stories)		4
Building Size (max sf)		150,000

**(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.

**(2) Street Design**

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

**(3) Performance Standards**

**(i) Retail Sale Area**

Areas devoted to retail sales shall not exceed ten percent of the gross floor area of the principal structure, and 5,000 square feet on any lot or parcel.

**(ii) Loading Docks**

Loading docks shall be located only in the side or rear yards.

**(iii) 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.

- (A) 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.
- (B) Noise:** The owner and occupant shall regulate uses and activities on the property so that sound never exceeds 65 decibels at any point on the property line.
- (C) Glare:** lights, spotlights, high temperature processes or otherwise, whether direct or reflected, shall not be visible from any lot, parcel or right-of-way.
- (D) 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. Incineration of trash or garbage is prohibited. No sewage or liquid wastes shall be discharged or spilled on the property.

- (E) 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.

**(iv) Outdoor Storage and Display**

Outdoor storage and permanent display areas shall only be located in the rear half of the lot, or beside or behind the principal structure. Portable display of retail merchandise may be permitted as provided in 21.04.040(h).

- (A) Outdoor storage and displays shall not be allowed in the front yard setback;
- (B) 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;
- (C) Unless required to buffer from an adjoining district, screening along all other property lines is not required; and
- (D) Screening of dumpsters is not required.



**(c) I-2: General Industrial**

<b>Primary Uses</b>		
Manufacturing, office, commercial services See 21.04.010, Use Table		
<b>Lot</b>		
Area (min acres)		1
Width (min ft)		100
Frontage (min ft)		n/a
<b>Setback</b>	<b>Principal</b>	<b>Accessory</b>
Front (min ft)	15	25
Side (min ft)	0	0
Rear (min ft)	10	10
<b>Bulk</b>		
Lot Coverage (max)		n/a
Height (max ft)		50
Height (max stories)		4

**(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.

**(2) Street Design**

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

**(3) Performance Standards**

**(i) Retail Sale Area**

Areas devoted to retail sales shall not exceed ten percent of the gross floor area of the principal structure, and 5,000 square feet on any lot or parcel.

**(ii) Loading Docks**

Loading docks shall be located only in the side or rear yards.

**(iii) 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.

- (A) 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.
- (B) Noise:** The owner and occupant shall regulate uses and activities on the property so that sound never exceeds 65 decibels at any point on the property line.
- (C) Glare:** lights, spotlights, high temperature processes or otherwise, whether direct or reflected, shall not be visible from any lot, parcel or right-of-way.
- (D) 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. Incineration of trash or garbage is prohibited. No sewage or liquid wastes shall be discharged or spilled on the property.

- (E) 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.

**(iv) Outdoor Storage and Display**

Outdoor storage and permanent display areas shall only be located in the rear half of the lot, or beside or behind the principal structure. Portable display of retail merchandise may be permitted as provided in 21.04.040(h) with the following exceptions:

- (A) Outdoor storage and displays shall not be allowed in the front yard setback;
- (B) 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;
- (C) Unless required to buffer from an adjoining district, screening along all other property lines is not required;
- (D) Screening of dumpsters is not required; and
- (E) Director may approve outdoor storage as a principle use without requiring a conditional use permit.

**MIXED USE AND INDUSTRIAL DISTRICT SUMMARY TABLE**

	R-O	B-1	B-2	C-1	C-2	CSR	M-U	BP	I-0	I-1	I-2
<b>Lot</b>											
Area (min ft unless otherwise specified)	5,000	10,000	n/a	20,000	20,000	1	1	1	1	1	1
Width	50	50	n/a	50	50	100	100	100	100	100	100
Frontage	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
<b>Setback</b>											
Principal structure											
Front (min ft)	20	20	0	15	15	15	15	15	15	15	15
Side (min ft)	5	0	0	0	0	5	15	15	15	5	0
Side -abutting residential (min ft)	n/a	10	n/a	10	10	n/a	10	n/a	n/a	10	n/a
Rear (min ft)	10	15	0	10	10	10	25	25	25	10	10
Accessory structure											
Front (min ft)	25	25	25	25	25	25	25	25	25	25	25
Side (min ft)	5	0	0	0	0	5	15	15	15	5	0
Side -abutting residential (min ft)	n/a	5	n/a	5	5	n/a	5	n/a	n/a	5	n/a
Rear (min ft)	5	15	0	10	10	5	25	25	25	10	10
<b>Bulk</b>											
Lot Coverage (max)	70%	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
Height (max ft)	40	40	80	40	40	65	65	65	65	50	50
Height (max stories)	3	3	5	3	3	5	5	5	5	4	4
Density (min units per acre)	4	8	8	12	n/a	n/a	8	8	n/a	n/a	n/a
Density (max units per acre)	n/a	16	n/a	24	n/a	n/a	24	24	n/a	n/a	n/a
Building Size (max sf)	10,000	15,000	n/a	80,000	150,000	80,000	150,000	200,000	250,000	150,000	n/a
<b>Notes</b>											
B-1: Max Building Size varies by use, Retail – 15,000 sf (unless a CUP is approved), Office 30,000											
B-2: Parking Setback for principal structure -30 ft, for accessory 6 ft; First floor min height – 15 ft											

- C-1:** Min rear setback - 0 if an alley is present; Building Size max – 80,000 sf unless a CUP is approved
- C-2:** Building Size max – 150,000 sf unless a CUP is approved
- CSR:** Building Size max – 80,000 sf unless a CUP is approved
- M-U:** Building Size max – 150,000 sf unless a CUP is approved
- BP:** Building Size max – 200,000 sf unless a CUP is approved
- I-0:** Building Size max – 250,000 sf unless a CUP is approved

**21.03.090 Form Districts**

**(a) Intent**

The form districts are intended to implement the Neighborhood Center, Village Center, Downtown Mixed Use future land use designations and Mixed Use Opportunity Corridors of the Comprehensive Plan. The form districts are intended to create pedestrian-friendly urban areas where higher density mixed uses and mixed building types promote less dependence on the automobile. The form districts are intended to be used in combination to create mixed use centers. The centers are intended to transition in scale to existing neighborhoods. The Comprehensive Plan Neighborhood Center designation is implemented with the three story districts, the Village Center designation is implemented with the three and five story districts, and the Downtown Mixed Use designation is implemented with the three, five and eight story districts.

**(b) Mixed Use Residential (MXR-3,-5,-8)**

The Mixed Use Residential (MXR) districts are:

- (1) Intended to create residential neighborhoods with a mix of housing options in a pedestrian-friendly environment.
- (2) Divided into three intensities: low (MXR-3), medium (MXR-5), and high (MXR-8).
- (3) Intended for the perimeter areas of mixed use centers to transition from a mixed use core to the surrounding neighborhoods.
- (4) Comprised of the Apartment, Townhouse and Civic building types.

**(c) Mixed Use General (MXG-3,-5,-8)**

The Mixed Use General (MXG) districts are:

- (1) Intended to create a mix of compatible uses in close proximity to one another in a pedestrian-friendly environment.
- (2) Divided into three intensities: low (MXG-3), medium (MXG-5), and high (MXG-8).
- (3) Comprised of the General, Apartment, Townhouse and Civic building types.

**(d) Mixed Use Shopfront (MXS-3,-5,-8)**

The Mixed Use Shopfront (MXS) districts are:

- (1) Intended to create the commercial core of a mixed use pedestrian-friendly area.
- (2) Divided into three intensities: low (MXS-3), medium (MXS-5), and high (MXS-8).
- (3) Located at the intersection of major roadways.
- (4) Comprised of the Shopfront building type.

**(e) District Standards**

**(1) Building Type by District**

District	Building Type				
	Shopfront	General	Apartment	Townhouse	Civic
Mixed Use Residential (MXR-)			■	■	■
Mixed Use General (MXG-)		■	■	■	■
Mixed Use Shopfront (MXS-)	■				

**(2) Height**

Intensity	District	Height Stories (min)	Height Stories (max)	Height Feet (max)
Low	MXR-3, MXG-3, MXS-3	1	3	50
Medium	MXR-5, MXG-5, MXS-5	2	5	65
High	MXR-8, MXG-8, MXS-8	2	8	100

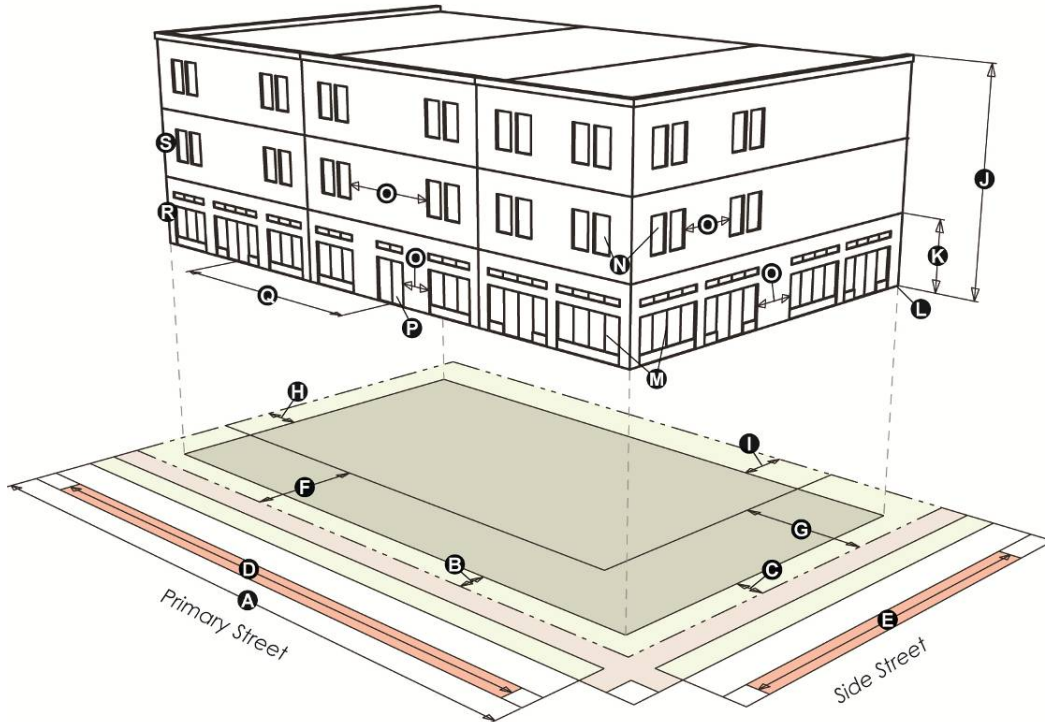
**(3) Building Entrances**

The following building entrance requirements apply to Shopfront, General and Apartment building types.

- (i) An entrance providing both ingress and egress, operable during normal business hours, is required to meet the street facing entrance requirements. Additional entrances off another street, pedestrian area or internal parking area are permitted.
  - (ii) The entrance separation requirements provided for the building type must be met for each building, but are not applicable to adjacent buildings.
  - (iii) An angled entrance may be provided at either corner of a building along the street to meet the street entrance requirements, provided any applicable entrance spacing requirements can still be met.
  - (iv) A minimum of 50 percent of a required entrance must be transparent.
  - (v) A required fire exit door with no transparency may front on a primary, side, or service street.
- (4) Parking**
- (i) On-site surface parking must be located behind the parking setback line.
  - (ii) Structured parking must contain active uses on the ground story along any primary street for the first 30 feet of the building measured from the street-facing facade.
  - (iii) The required street frontage may be interrupted to allow for a maximum 30-foot wide vehicular entrance to a parking structure or area.
- (5) Service Entrances**
- Business service entrances, service yards and loading areas shall be located only in the rear or side yard, behind the parking setback line.
- (6) Landscaping**
- Landscaping is required for surface parking and for the park strip in the right-of-way.
- (7) Open Space**
- (i) Public Parks and Open Space Fee. The owner of any multifamily or mixed use project in a form district shall be subject to the required Parks Impact Fee.
  - (ii) Open Space Requirement. Multifamily or mixed use developments in a form district shall be required to pay ten percent of the value of the raw land of the property as determined in Section 21.06.020(b).
- (8) Outdoor Storage and Display**
- Outdoor storage and permanent displays are prohibited. Portable display of retail merchandise may be permitted as provided in Section 21.04.040(h).
- (f) Building Types**
- See the building types on the following pages.
- (g) Mixed Use Opportunity Corridors**
- See Section 21.02.140(c).

**(1) Shopfront**

A building form intended for ground floor retail uses with upper-story residential or office uses. High transparency (in the form of windows and doors) is required on the ground floor to encourage interaction between the pedestrian and the ground story space. Primary entrances are prominent and street facing.

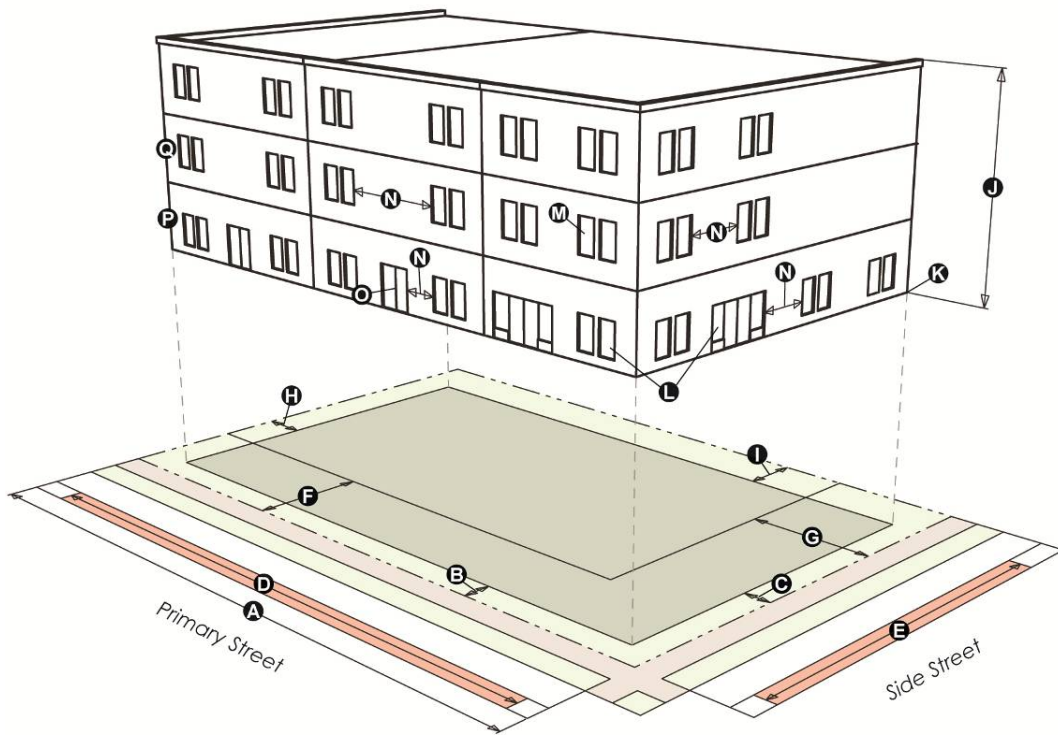


	MXS-3	MXS-5	MXS-8
<b>LOT</b>			
Area (min ft <sup>2</sup> )	4,000	5,000	n/a
<b>A</b> Width (min ft)	40	50	n/a
Lot coverage (max)	75%	75%	n/a
<b>FRONT SETBACK AREA</b>			
<b>B</b> Primary street (min/max ft)	0/10	0/10	0/10
<b>C</b> Side street (min/max ft)	0/10	0/10	0/10
<b>REQUIRED STREET FAÇADE</b>			
<b>D</b> Primary street (min)	85%	85%	85%
<b>E</b> Side street (min)	40%	40%	40%
<b>PARKING SETBACK</b>			
<b>F</b> Primary street (min ft)	30	30	30
<b>G</b> Side street (min ft)	10	10	10
<b>SIDE/REAR SETBACKS</b>			
<b>H</b> Side, interior (min ft)	5	5	5
<b>I</b> Rear (min ft)	15	10	0

	MXS-3	MXS-5	MXS-8
<b>HEIGHT</b>			
<b>J</b> Stories (max)	3	5	8
<b>K</b> Feet (max)	50	65	100
<b>L</b> Ground story height	15	15	15
<b>M</b> Ground story elevation	0	0	0
<b>BUILDING FAÇADE</b>			
<b>N</b> Ground story	60%	60%	60%
<b>O</b> Upper story transparency (min)	20%	20%	20%
<b>P</b> Blank wall area (max ft)	30	30	30
<b>Q</b> Street facing entrance	yes	yes	yes
<b>R</b> Street entrance spacing	na	na	50
<b>ALLOWED USE</b>			
<b>S</b> Ground story	Commercial, Institutional and Civic		
<b>T</b> Upper story	Institutional and Civic, Residential		

**(2) General**

A building form intended for commercial uses that are not retail. Often used for a single purpose such as an office building or hotel, the general building form is the most common commercial building. Transparency (in the form of windows and doors) is required on the ground floor to encourage interaction between the pedestrian and the ground story space; however, required transparency is lower than that for a shopfront building form. Primary entrances are prominent and street facing.



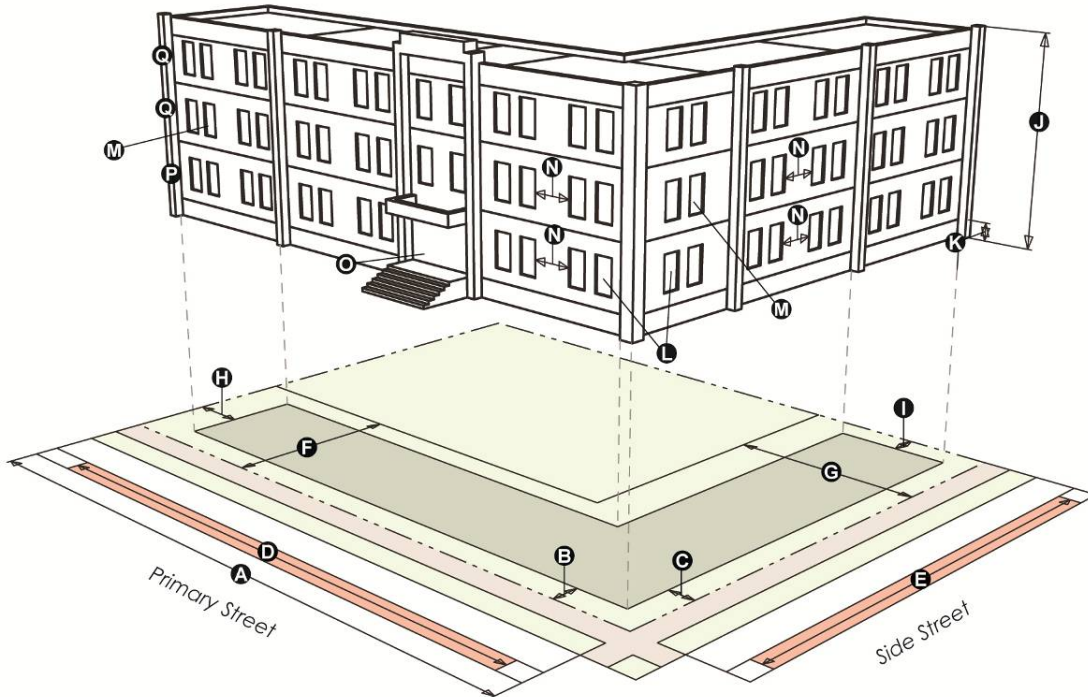
	MXG-3	MXG-5	MXG-8
<b>LOT</b>			
Area (min ft <sup>2</sup> )	4,000	5,000	n/a
<b>A</b> Width (min ft)	40	50	n/a
Lot coverage (max)	75%	75%	n/a
<b>FRONT SETBACK AREA</b>			
<b>B</b> Primary street (min/max ft)	0/10	0/10	0/10
<b>C</b> Side street (min/max ft)	0/10	0/10	0/10
<b>REQUIRED STREET FAÇADE</b>			
<b>D</b> Primary street (min)	80%	80%	80%
<b>E</b> Side street (min)	40%	40%	40%
<b>PARKING SETBACK</b>			
<b>F</b> Primary street (min ft)	30	30	30
<b>SIDE/REAR SETBACKS</b>			
<b>H</b> Side, interior (min ft)	5	5	5
<b>I</b> Rear (min ft)	15	10	5

	MXG-3	MXG-5	MXG-8
<b>HEIGHT</b>			
<b>J</b> Stories (max)	3	5	8
<b>K</b> Feet (max)	50	65	100
<b>L</b> Ground story elevation	0	0	0
<b>BUILDING FAÇADE</b>			
Ground story	40%	40%	40%
<b>M</b> Upper story	20%	20%	20%
<b>N</b> Blank wall area (max ft)	30	30	30
<b>O</b> Street facing entrance	yes	yes	yes
<b>ALLOWED USE</b>			
<b>P</b> Ground story	Commercial, Institutional and Civic		
<b>Q</b> Upper story	Commercial, Institutional and Civic, Residential		



**(3) Apartment**

A building form containing three or more dwelling units consolidated into a single structure. An apartment contains internal common walls. Dwelling units within a building may be situated either wholly or partially over or under other dwelling units. The building often shares a common entrance. Primary building entrance is generally through a street-facing lobby.



MXG-3 MXG-5 MXG-8  
MXR-3 MXR-5 MXR-8

MXG-3 MXG-5 MXG-8  
MXR-3 MXR-5 MXR-8

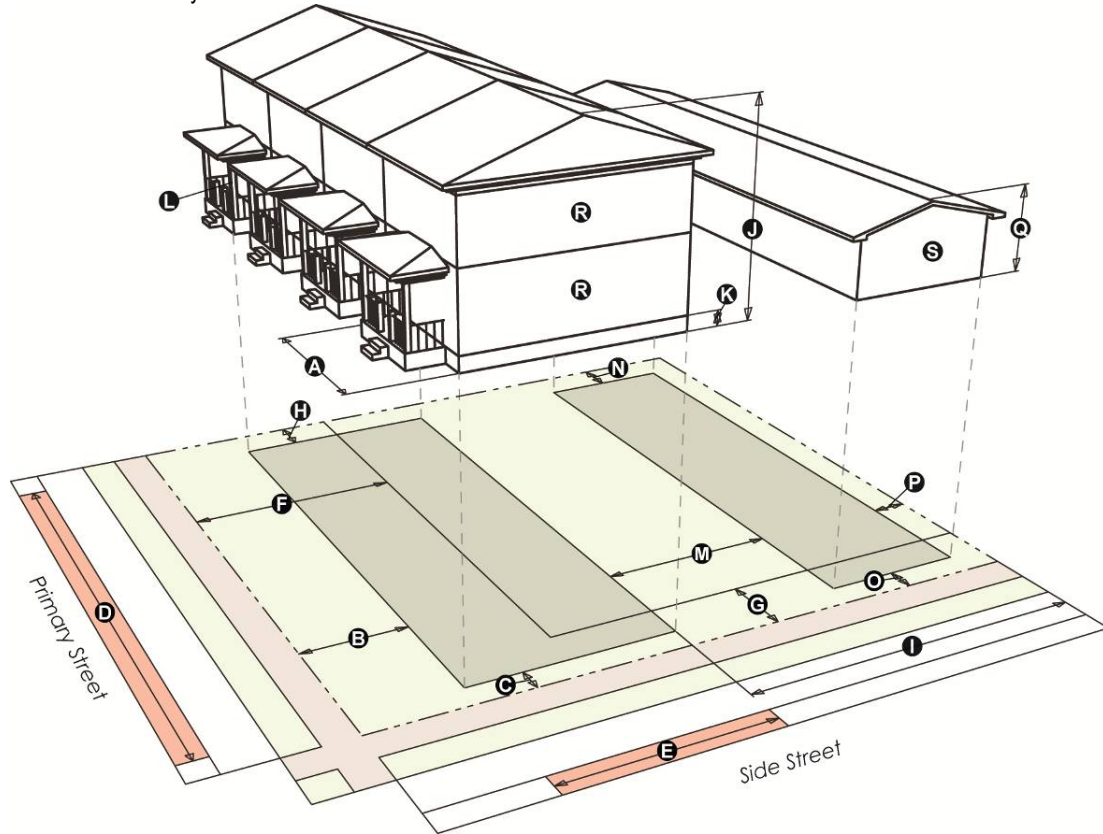
<b>LOT</b>			
Area (min ft <sup>2</sup> )	6,000	6,000	6,000
<b>A</b> Width (min ft)	60	60	60
Lot coverage (max)	75%	75%	75%
<b>FRONT SETBACK AREA</b>			
<b>E</b> Primary street (min/max ft)	0/15	0/15	0/15
<b>C</b> Side street (min/max ft)	0/15	0/15	0/15
<b>REQUIRED STREET FACADE</b>			
<b>D</b> Primary street (min)	75%	75%	75%
<b>E</b> Side street (min)	35%	35%	35%
<b>PARKING SETBACK</b>			
<b>F</b> Primary street (min ft)	30	30	30
<b>G</b> Side street (min ft)	10	10	10
<b>SIDE/REAR SETBACKS</b>			
<b>H</b> Side, interior (min ft)	5	5	5
<b>I</b> Rear (min ft)	15	10	5

<b>HEIGHT</b>			
<b>J</b> Stories (max)	3	5	8
<b>J</b> Feet (max)	50	65	100
<b>K</b> Ground story elevation (min ft)	1.5	1.5	1.5
<b>BUILDING FACADE</b>			
Ground story transparency	20%	20%	20%
<b>M</b> Upper story transparency (min)	20%	20%	20%
<b>N</b> Blank wall area (max ft)	30	30	30
<b>O</b> Street facing entrance required	yes	yes	yes
<b>ALLOWED USE</b>			
<b>P</b> Ground story		Residential	
<b>Q</b> Upper story		Residential	



**(4) Townhouse**

A building form with multiple dwelling units located side-by-side on a single zone lot and consolidated into a single structure that relates to the scale of surrounding houses. Each unit is separated by a common side wall. Units are not vertically mixed. Each unit has its own external entrance.



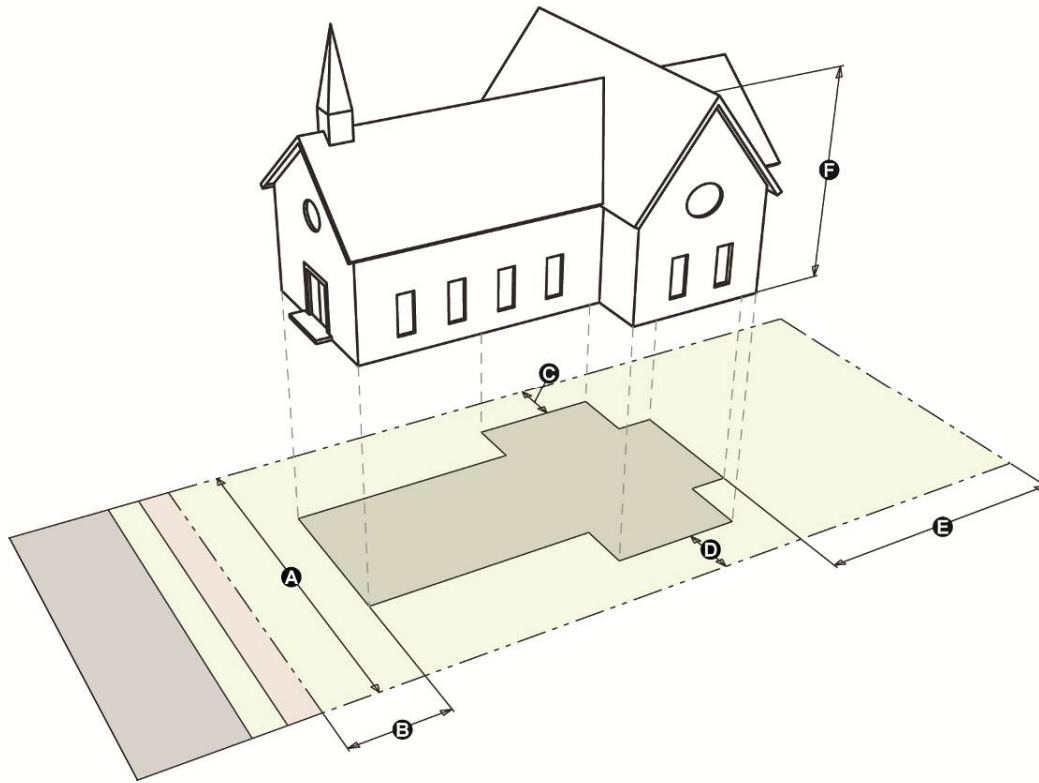
MXG-3, MXR-3

MXG-3, MXR-3

LOT		HEIGHT	
Area (min ft <sup>2</sup> )	1,200	● Stories (max)	3
Ⓐ Unit width (min ft)	16	● Feet (max)	50
Lot coverage (max)	75%	● Ground story elevation (min ft)	1.5
FRONT SETBACK AREA		BUILDING FAÇADE	
Ⓑ Primary street (min/max ft)	0/15	● Street facing entrance required	yes
Ⓒ Side street (min/max ft)	0/15	ACCESSORY STRUCTURE SETBACKS	
REQUIRED STREET FAÇADE		● Separation from primary structure (min ft)	10
Ⓓ Primary street (min)	75%	● Side, interior (min ft)	5
Ⓔ Side street (min)	35%	● Side, street (min ft)	10
PARKING SETBACK		● Rear (min ft)	5
Ⓕ Primary street (min ft)	30	ACCESSORY STRUCTURE HEIGHT	
Ⓖ Side street (min ft)	10	● Stories (max)	2
SIDE/REAR SETBACKS		● Feet (max)	30
Ⓕ Side, interior (min ft)	5	ALLOWED USE	
● Rear (min ft)	10	● All stories	Residential
		● Accessory structure	Accessory uses,

**(5) Civic**

A building form containing civic, religious, institutional or public uses. In order to provide a visual landmark, the civic building form is permitted to be set back further than other building forms. Civic buildings are commonly placed on prominent sites.



MXG-3 MXG-5 MXG-8  
 MXR-3 MXR-5 MXR-8

**LOT**

	MXG-3	MXG-5	MXG-8
Area (min ft <sup>2</sup> )	10,000	10,000	10,000
<b>A</b> Width (min ft)	100	100	100
Lot coverage (max)	80%	80%	80%

**SETBACKS**

	MXG-3	MXG-5	MXG-8
<b>B</b> Front (min ft)	15	15	15
<b>C</b> Side, interior (min ft)	5	5	5
<b>D</b> Side, street (min ft)	10	10	10
<b>E</b> Rear (min ft)	15	15	15

**HEIGHT**

	MXG-3	MXG-5	MXG-8
<b>F</b> Stories (max)	3	5	8
<b>F</b> Feet (max)	50	65	100

**ALLOWED USE**

	MXG-3	MXG-5	MXG-8
All stories		Institutional and Civic	

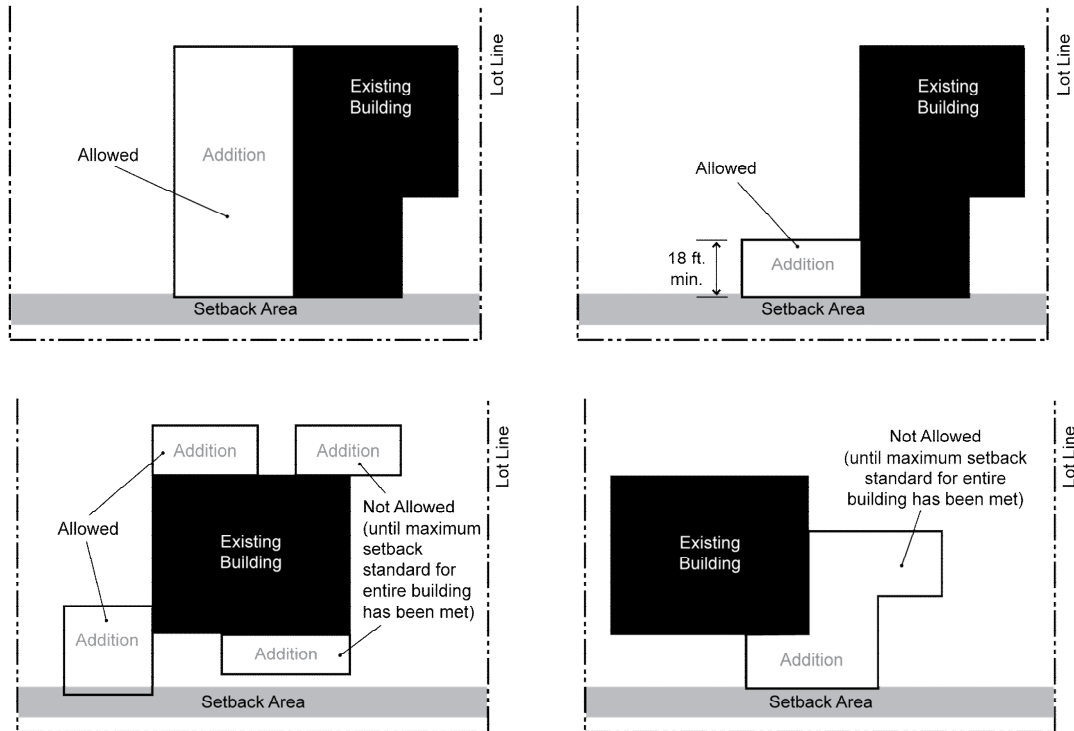
**(h) Additions and New Buildings on Nonconforming Sites**

**(1) Applicability**

Any development in a form district where a maximum setback applies.

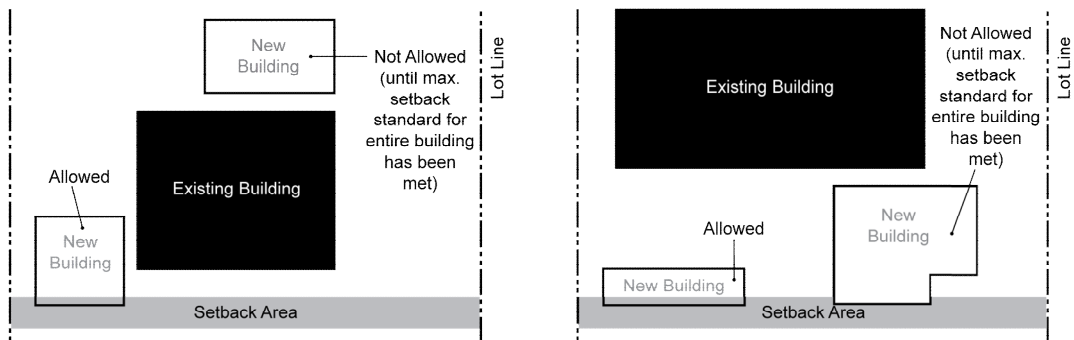
**(2) Permitted Additions**

Where an existing building is being expanded, the setback area and required building frontage standards apply to the ground level, street-facing façade of the entire addition as set forth below.



**(3) Permitted New Buildings**

Where a new building is being constructed on a site with a nonconforming existing building, the setback area and required building frontage standards apply to the ground level, street-facing façade of the entire new building as set forth below.



**(i) Use Categories Allowed in Form Districts**

For the purposes of the form districts, the following use restrictions specific to the form districts are established. The references are to the use categories include in the use table in 21.04.010.

**(1) Residential**

Allows Household Living; Home Occupation; and Group Living use categories.

**(2) Institutional and Civic**

Includes Colleges and Vocational Schools; Community Service; Cultural; Day Care; Hospital/Clinic; Parks and Open Space; Religious Assembly; Funeral Homes/Mortuaries/Crematories; Safety Services; Schools; Utility, Basic; Utility, Corridors use categories, but not Detention Facilities use category.

**(3) Commercial**

Includes Entertainment Event, Major; Lodging, Office, Recreation and Entertainment, Outdoor; Recreation and Entertainment, Indoor; Retail Sales and Service; Self-Service Storage; Vehicle Repair; and Vehicle Service, Limited use categories, but not the Parking, Commercial or Recreation and Entertainment - Indoor use categories.

**(4) Industrial**

Includes only the Telecommunication Facilities use category, but not Manufacturing and Production, Industrial Services, Contractors and Trade Shops, Oil & Gas Support Operations, Junk Yard, Impound Lot, Heavy Equipment Storage/Pipe Storage, Warehouse and Freight Movement, Waste-Related Use, Wholesale Sales, Agricultural, Aviation or Surface Passenger Terminal, Mining use categories.

## Chapter 21.04 Uses

### 21.04.010 Use Table

**(a) Use Categories and Principal Uses**

The only uses allowed in any zone or district are those listed in the Use Table below. The use categories listed in the first column are described in 21.04.020. The second column of the Use Table contains an abbreviated definition of the uses. In some cases, use-specific standards are referred to in the last column of the Use Table. These uses are permitted subject to particular requirements listed under each zone or district.

**(b) Allowed Uses**

An "A" indicates the listed use is allowed by right within the respective zoning district without the need for a public hearing. If compliance with all City, state and federal requirements are fully met, the Director may allow development, construction and/or use. The text for each zone, the balance of this Code, applicable state and other City regulations and federal requirements supplement the Use Table and control if inconsistent or ambiguous. See the maximum building size indicated for each zone district. No person shall begin any use without a written approval of the Director.

**(c) Conditional Uses**

A "C" indicates the listed use is allowed within the respective zoning district only after review and approval of a conditional use permit, in accordance with the review procedures of 21.02.080. Conditional uses are subject to all other applicable standards of this Code.

**(d) Prohibited Uses**

A blank space indicates the listed use is not allowed within the district, unless otherwise expressly allowed by another provision of this Code.

**(e) Uses Not Mentioned**

No building permit shall be issued for a use not specifically mentioned or described by category in Use Table. If a question or interpretation arises regarding the Use Table, the Director shall decide if a use not mentioned can reasonably be interpreted to fit into a Use Category where similar uses are described. The Director may ask the Planning Commission at a regularly scheduled meeting to ratify his decision.

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

USE CATEGORY	PRINCIPAL USE	R-R	R-E	R-1	R-2	R-4	R-5	R-8	R-12	R-16	R-24	R-0	B-1	B-2	C-1	C-2	CSR	IM-U	BP	I-0	I-1	I-2	IMX-	Std.
<b>RESIDENTIAL</b>																								
<b>Household Living</b> - residential occupancy of a dwelling unit by a "household"	Business Residence											A	A	A	A	A	A	A	A	A	A			21.04.030(i)
	Rooming/Boarding House							A	A	A	A	A	A	A	A									
	Two Family Dwelling				A	A	A	A	A			A												
	Single-Family Detached	A	A	A	A	A	A	A				A	C	C			A							21.04.030(m)
	Multifamily						A	A	A	A	A	A	A	A	A			A	A					21.04.030(n)
	Accessory Dwelling Unit	A	A	A	A	A	A	A	A			A		A										21.04.040(f)
	Agricultural Labor Housing	A															A							
	Manufactured Housing Park							C	C	C														21.04.030(f)
All Other Housing Living							A	A	A															
<b>Home Occupation</b>	Home Occupation	A	A	A	A	A	A	A	A	A	A	A	A	A	A			A						21.04.040(g)
<b>Group Living</b> - residential occupancy of a structure by a group of people who do not meet the definition of "Household Living"	Small Group Living Facility	A	A	A	A	A	A	A	A	A	A	A	A	C	C			C	A					21.04.030(p)& 21.04.020(b)
	Large Group Living Facility						A	A	A	A	A	A	A	C	C			C	A					21.04.030(p)& 21.04.020(b)
	Unlimited Group Living Facility								C	A	A	A	A	C	C			C	A					21.04.030(p)& 21.04.020(b)
<b>INSTITUTIONAL AND CIVIC</b>																								
<b>Colleges and Vocational Schools</b> - colleges and institutions of higher learning	Colleges and Universities													A	A	A	A	A	A	A	A	A		21.04.020(d)
	Vocational, Technical & Trade Schools												A	A	A	A	A	A	A	A	A	A		
<b>Community Service</b> - uses providing a local service to the community	Community Activity Building	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A			21.04.020(e)
	All Other Community Service	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A		21.04.020(e)
<b>Cultural</b> - establishments that document the social and religious structures and intellectual and artistic manifestations that	Museum, Art Galleries, Opera Houses, Libraries								A	A	A	A	A	A	A	A	A	A		A	A	A		

See section 3.9

See section 3.9

		Key: A = Allowed C = Conditional Blank Cell = Not Permitted																						
USE CATEGORY	PRINCIPAL USE	R-R	R-E	R-1	R-2	R-4	R-5	R-8	R-12	R-16	R-24	R-0	B-1	B-2	C-1	C-2	CSR	M-U	BP	I-0	I-1	I-2	MX-	Std.
	characterize a society																							
<b>Day Care</b> - care, protection and supervision for children or adults on a regular basis away from their primary residence for less than 24 hours per day	Home-Based Day Care (1-12)	A	A	A	A	A	A	A	A	A	A	A	A	A	A			A						21.04.020(f)
	General Day Care	C	C	C	C	C	C	A	A	A	A	A	A	A	A	A		A	A	A				21.04.020(f)
<b>Detention Facilities</b> - facilities for the detention or incarceration of people	Jails, Honor Camps, Reformatories													C		C	C					C	C	21.04.020(cc)
	Community Corrections Facility												C	C	C	C	C							21.04.020(cc)
	Law Enforcement Rehabilitation Centers												C	C	C	C	C					C	C	21.04.020(cc)
<b>Hospital/Clinic</b> - uses providing medical treatment or surgical care to patients	Medical and Dental Clinics									C	C	A	A	A	A	A		A	A	A	A			21.04.020(g)
	Counseling Centers (nonresident)											A	A	A	A	A		A	A	A				21.04.020(g)
	Hospital/Mental Hospital											C	C	C	C	C	C	C	A	C				21.04.020(g)
	Physical and Mental Rehabilitation (resident)											C	C	C	C	C	C	C	C	C				21.04.020(g)
	All Other													C	C	C		C	C	C				21.04.020(g)
<b>Parks and Open Space</b> - natural areas consisting mostly of vegetative landscaping or outdoor recreation, community gardens, etc.	Cemetery	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A							21.04.020(h)
	Golf Course	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A		A	A	A		21.04.020(h)
	Campground, Primitive	A																A						21.04.020(h)
	Golf Driving Ranges	A	A	A	A	C	C	C	C	C	C	C	A	A	A	A	A	A		A	A	A		21.04.020(h)
	Parks, Lakes, Reservoirs, other Open Space	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A		A	A	A		21.04.020(h)
<b>Religious Assembly</b> - meeting area for religious activities	All	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A		A			21.04.030(o)& 21.04.020(j)

Key: A = Allowed C = Conditional Blank Cell = Not Permitted																									
USE CATEGORY	PRINCIPAL USE	R-R	R-E	R-1	R-2	R-4	R-5	R-8	R-12	R-16	R-24	R-0	B-1	B-2	C-1	C-2	CSR	IM-U	BP	I-0	I-1	I-2	MX-	Std.	
<b>Funeral Homes/Mortuaries/ Crematories</b>	All									C	C	A	A	A	A			A	A						
	<b>Safety Services</b> - public safety and emergency response services	All	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A		
	<b>Schools</b> - schools at the primary, elementary, middle, junior high or high school level	Boarding Schools									A	A	A	A	C	C	C	A	A	A					
		Elementary Schools	A	A	A	A	A	A	A	A	A	A	A	A	A	A		A	A	A					
	Secondary Schools	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A						
<b>Utility, Basic</b> - Infrastructure services that need to be located in or near the area where the service is provided	Utility Service Facilities (underground)	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A		
	All Other Utility, Basic	C	C	C	C	C	C	C	C	C	C	A	A	A	A	A	A	C	A	A	A	A	A		
<b>Utility, Corridors</b> - passageways for bulk transmitting or transporting of electricity, gas, oil, communication signals, or other similar services	Transmission Lines (above ground)	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C		C	C	C	C	C	C		
	Transmission Lines (underground)	C	C	C	C	C	C	C	C	C	C	C	C	C	C	A		C	A	A	A	A	A		
	Utility Treatment, Production or Service Facility																		C	C	C	C	C		
	All Other	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C		C	C	C	C	C	C		
<b>COMMERCIAL</b>																									
<b>Entertainment Event, Major</b> - activities and structures that draw large numbers of people to specific events or shows	Indoor Facilities	A												A	A	A	A	A	A	A					
	Outdoor Facilities	C														C	C	C	C	C	C	C			
<b>Lodging</b> - hotels, motels and similar establishments	Hotels & Motels													A	A	A		A	A	A					
	Bed and Breakfast (1-3 guest rooms)	A	A	A	A	A	A	A	A	A	A	A	A	A				A	A						
	Bed and Breakfast (4-5 guest rooms)	C	C	C	C	C	C	C	A	A	A	A	A	A				A	A						
																								See section 3.9	



		Key: A = Allowed C = Conditional Blank Cell = Not Permitted																							
USE CATEGORY	PRINCIPAL USE	R-R	R-E	R-1	R-2	R-4	R-5	R-8	R-12	R-16	R-24	R-0	B-1	B-2	C-1	C-2	CSR	IM-U	BP	I-0	I-1	I-2	MX-	Std.	
<b>Office</b> - activities conducted in an office setting and generally focusing on business, government, professional, or financial services	General Offices											A	A	A	A	A	A	A	A	A	A			21.04.020(o)	
	Office with Drive-Through												A	A	A	A	A	A	A	A	A	A			21.04.020(o)
<b>Parking, Commercial</b> - parking that is not necessary to serve a specific use and for which fees may be charged	All											C	A		A	A	A	A	A	A	A	A			21.06.050(b)& 21.04.020(p)
<b>Recreation and Entertainment, Outdoor</b> - large, generally commercial uses that provide continuous recreation or entertainment-oriented activities	Campgrounds and Camps (non-primitive)	C													A	A	A								21.04.030(e) & 21.04.020(q)
	Resort Cabins and Lodges	C															A								21.04.020(q)
	Swimming Pools, Community	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A					21.04.020(q)
	Shooting Ranges, Outdoor																	C					C	C	21.04.020(q)
	Amusement Park, Miniature Golf															A	A	C	C	C					21.04.020(q)
	Riding Academy, Roping or Equestrian Area	C	C															C							21.04.030(a)& 21.04.020(q)
	Zoo															C	C	C							21.04.030(a)& 21.04.020(q)
	All Other Outdoor Recreation	C														C	C	C	C				C	C	21.04.020(q)
<b>Recreation and Entertainment, Indoor</b> - large, generally commercial uses that provide indoor recreation or entertainment-oriented activities including health clubs, movie theaters,	Health Club											A	A	A	A	A	A	A	A	A	A				
	Movie Theater, Skating Rink, Arcade												A	A	A	A	A	A			A				
	Shooting Ranges, Indoor														C	C	C					C	C		
	All Other Indoor Recreation												C	A	A	A	A	A	C	A	A	C			

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

USE CATEGORY	PRINCIPAL USE	R-R	R-E	R-1	R-2	R-4	R-5	R-8	R-12	R-16	R-24	R-0	B-1	B-2	C-1	C-2	CSR	M-U	BP	I-0	I-1	I-2	MX-	Std.		
skating rinks, arcades																										
<b>Retail Sales and Service</b> - firms involved in the sale, lease or rental of new or used products to the general public. They may also provide personal services or entertainment, or provide product repair or services for consumer & business goods	Adult Entertainment														A	A						A	A		21.04.030(b)& 21.04.020(r)	
	Alcohol Sales, retail												A	A	A	A		A	C						21.04.020(r)	
	Bar/Nightclub												C	C	C	C		C	C	C	C				21.04.020(r)	
	Animal Care/Boarding/Sales, Indoor	A											A	A	A	A			A	A	A				21.04.020(r)	
	Animal Care/Boarding/Sales, Outdoor	C														A			C	C	C				21.04.030(a)& 21.04.020(r)	
	Delivery and Dispatch Services (vehicles on-site)															A	A				A	A	A			21.04.020(r)
	Drive-through Uses (Restaurants)														A	A	A			A		A				21.04.020(r)
	Drive-through Uses (Retail)													A	A	A	A			A		A				21.04.020(r)
	Food Service, Catering													A	A	A	A		A	A	A	A				21.04.020(r)
	Food Service, Restaurant (including alcohol sales)													A	A	A	A	A	A	A	A	A				21.04.020(r)
	Farm Implement/Equipment Sales/Service															A	A						A	A		21.04.030(l)& 21.04.020(r)
	Farmer's Market														A	A	A		A							21.04.020(r)
	Flea Market																A						A	A		21.04.030(c)& 21.04.020(r)
	Feed Store															A	A						A	A		21.04.020(r)
	Fuel Sales, automotive/appliance													A	A	A	A							A	A	21.04.020(r)
	Fuel Sales, heavy vehicle																A						A	A		21.04.020(r)
General Retail Sales, Indoor operations, display and storage													A	A	A	A		A	A	A	A				21.04.030(l)& 21.04.020(r)	
General Retail Sales, Outdoor operations, display or storage															A	A		A				C			21.04.040(h) & 21.04.020(r)	

		Key: A = Allowed C = Conditional Blank Cell = Not Permitted																								
USE CATEGORY	PRINCIPAL USE	R-R	R-E	R-1	R-2	R-4	R-5	R-8	R-12	R-16	R-24	R-0	B-1	B-2	C-1	C-2	CSR	M-U	BP	I-0	I-1	I-2	MX-	Std.		
	Landscaping Materials Sale/Greenhouse/Nursery	C	C	C	C										A	A	C					A	C		21.04.020(r)	
	Manufactured Building Sales and Service															A						A			21.04.020(r)	
	Produce Stands	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A		21.04.030(u)
	Rental Service, Indoor display/storage														A	A	A		A				A			21.04.020(r)
	Rental Service, Outdoor display/storage															A	A						A			21.04.040(h)& 21.04.020(r)
	Repair, small appliance												A	A	A	A	A		A				A			21.04.020(r)
	Repair, large appliance															A	A	A		A			A	A		21.04.020(r)
	Personal Services												A	A	A	A	A		A	A	C					21.04.020(r)
	All Other Retail Sales and Services													A	A	A	A		C	C	C					21.04.030(l)& 21.04.020(r)
<b>Self-Service Storage</b> - uses providing separate storage areas for individual or business uses	Mini-Warehouse										C	C			C							A	A	A	A	21.04.030(g)& 21.04.020(s)
<b>Vehicle Repair</b> - repair service to passenger vehicles, light and medium trucks and other consumer motor vehicles	Auto and Light Truck Mechanical Repair														A	A					A	A	A	A		21.04.020(t)
	Body Shop															A	A					A	A	A	A	21.04.020(t)
	Truck Stop/Travel Plaza															A	A					A		A	A	21.04.030(s)& 21.04.020(t)
	Tire Recapping and Storage																A						A	A		21.04.020(t)
	All Other Vehicle Repair																C						C	A		21.04.030(s)& 21.04.020(t)
<b>Vehicle Service, Limited</b> - direct services to motor vehicles where the driver or passengers generally wait in the	Car Wash, Gasoline Service Station, Quick Lube												A	A	A	A		A	A	A	A	A	A	A		21.04.030(s)& 21.04.020(u)
	All Other Vehicle Service, limited															A	A						A	A		21.04.020(u)

		Key: A = Allowed C = Conditional Blank Cell = Not Permitted																							
USE CATEGORY	PRINCIPAL USE	R-R	R-E	R-1	R-2	R-4	R-5	R-8	R-12	R-16	R-24	R-0	B-1	B-2	C-1	C-2	CSR	IM-U	BP	I-0	I-1	I-2	IMX-	Std.	
	car or nearby while the service is performed																								
<b>INDUSTRIAL</b>																									
<b>Manufacturing and Production</b> - firms involved in the manufacturing, processing, fabrication, packaging, or assembly of goods	<b>Indoor Operations and Storage</b>																								
	Assembly														A	A	A		A	A	A	A		21.04.020(w)	
	Food Products														A	A	A		A	A	A	A		21.04.020(w)	
	Manufacturing/Processing														A	A	A		A	A	A	A		21.04.020(w)	
	<b>Indoor Operations with Outdoor Storage</b>																								
	Assembly															A	A			A	A	A	A		21.04.040(h)& 21.04.020(w)
	Food Products															A	A			A	A	A	A		21.04.040(h)& 21.04.020(w)
	Manufacturing/Processing																A			A	A	A	A		21.04.040(h)& 21.04.020(w)
	<b>Outdoor Operations and Storage</b>																								
	Assembly																C				C	A	A		21.04.040(h)& 21.04.020(w)
	Food Products																C				C	A	A		21.04.040(h)& 21.04.020(w)
	Manufacturing/Processing																C				C	A	A		21.04.040(h)& 21.04.020(w)
	All Other Industrial Service, including any Hazardous Occupancy per the International Fire Code or International Building Code.																				C	C	C		21.04.040(h)& 21.04.020(w)
	<b>Industrial Services, Contractors and Trade Shops, Oil &amp; Gas Support Operations without hazardous materials</b>	Indoor operations and storage													C	A	A		A		A	A	A		
Indoor operations and outdoor storage (including heavy vehicles)																A			C	A	A	A		21.04.040(h)	
Outdoor storage and operations																A				A	A	A		21.04.040(h)	
<b>Junk Yard</b>	Junk Yard																				C	C		21.04.030(d)& 21.04.040(h)	

See section 3.9

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

USE CATEGORY	PRINCIPAL USE	R-R	R-E	R-1	R-2	R-4	R-5	R-8	R-12	R-16	R-24	R-0	B-1	B-2	C-1	C-2	CSR	M-U	BP	I-0	I-1	I-2	MX-	Std.	
<b>Impound Lot</b>	Impound Lot															C					C	C		21.04.030(d)& 21.04.040(h)	
<b>Heavy Equipment Storage/Pipe Storage</b>	All																			A	A	A		21.04.040(h)	
<b>Warehouse and Freight Movement</b> - firms involved in the storage or movement of freight	Indoor Operations, Storage and Loading															A		A		A	A	A		21.04.020(x)	
	Indoor Storage with Outdoor Loading Docks															A		A		A	A	A		21.04.020(x)	
	Outdoor Storage or Loading															A				A	A	A		21.04.040(h)& 21.04.020(x)	
	Gas or Petroleum Storage																			C	C	C		21.04.020(x)	
	Sand or Gravel Storage																					A	A		21.04.030(k)& 21.04.020(x)
	All Other																					C	C		21.04.020(x)
<b>Waste-Related Use</b> - uses that receive solid or liquid wastes from others, uses that collect sanitary wastes or uses that manufacture or produce goods or energy from the composting of organic material	Non-Hazardous Waste Transfer																C				C	C		21.04.020(y)	
	Medical/Hazardous Waste Transfer Station																C					C	C		21.04.030(j)& 21.04.020(y)
	Solid Waste Disposal Sites																C					C	C		21.04.030(d)& 21.04.020(y)
	Recycling Collection Point												C	C	C	C	C			C	C	C		21.04.030(d) & 21.04.020(y)	
	All Other Waste-Related																C					C	C		21.04.030(d)& 21.04.020(y)
<b>Wholesale Sales</b> - firms involved in the sale, lease or rental of products primarily intended for industrial, institutional or commercial businesses	Wholesale Business (No Highly Flammable Materials/Liquids)															A		A		A	A	A		21.04.020(z)	
	Agricultural Products	C																				A	A		21.04.020(z)
	All Other Wholesale Uses																					A	A		21.04.020(z)
<b>Agricultural</b>	Animal Confinement																C				C	C		21.04.030(a) & 21.04.020(aa)	
	Dairy	C															C					C	C		21.04.030(a)& 21.04.020(aa)

		Key: A = Allowed C = Conditional Blank Cell = Not Permitted																							
USE CATEGORY	PRINCIPAL USE	R-R	R-E	R-1	R-2	R-4	R-5	R-8	R-12	R-16	R-24	R-0	B-1	B-2	C-1	C-2	CSR	M-U	BP	I-0	I-1	I-2	MX-	Std.	
	Confined Animal Feeding Operation, Feedlot																C				C	C		21.04.030(a)& 21.04.020(aa)	
	Forestry, Commercial	A																						21.04.020(aa)	
	Pasture, Commercial	A	A	A	A																	A	A	21.04.020(aa)	
	Winery	A															A	A				A	A	21.04.020(aa)	
	All Other Agriculture	A	A	A	A																			21.04.020(aa)	
<b>Aviation or Surface Passenger Terminal</b> - facilities for the landing and take-off of flying vehicles or stations for ground-based vehicles, including loading and unloading areas	Airports/Heliports															C	C			C	C	C		21.04.020(bb)	
	Bus/Commuter Stops	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	21.04.020(bb)	
	Bus/Railroad Depot													A	A	A	A			A	A	A		21.04.020(bb)	
	Helipads													C	C	C	C	C		C	C	C		21.04.020(bb)	
	All Other Aviation or Surface Passenger Terminal																C			C	C	C		21.04.020(bb)	
<b>Mining</b> - mining or extraction of mineral or aggregate resources from the ground for off-site use	Oil or Gas Drilling	C	C														C				C	C		21.04.020(dd)	
	Sand or Gravel Extraction or Processing	C	C														C			C	C	C		21.04.030(k)& 21.04.020(dd)	
	All Other Mining	C	C														C					C		21.04.030(k)& 21.04.020(dd)	
<b>Telecommunications Facilities</b> - devices and supporting elements necessary to produce nonionizing electromagnetic radiation operating to produce a signal	Telecommunications Facilities & Support Structures	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C		21.04.030(q)& 21.04.020(ee)

## 21.04.020 Use Categories

### (a) General

#### (1) Basis for Classifications

Use categories classify land uses and activities into use categories based on common functional, product, or physical characteristics. Characteristics include the type and amount of activity, the type of customers or residents, how goods or services are sold or delivered and site conditions. The use categories provide a systematic basis for assigning present and future land uses into appropriate zoning districts.

#### (2) Principal Use Characteristics

Principal uses are assigned to the category that most closely describes the nature of the principal use. The characteristics subsection of each use category describes the common characteristics of each principal use.

#### (3) Considerations Used in Categorizing Principal Uses

The following considerations shall be used to determine what category a use is in and whether the activities are to be considered principal or accessory uses:

- (i) The actual or projected characteristics of the activity in relationship to the stated characteristics of each use category;
- (ii) The relative amount of site area or floor space and equipment devoted to the activity;
- (iii) Relative amounts of sales from each activity;
- (iv) The customer type for each activity;
- (v) The relative number of employees in each activity;
- (vi) Hours of operation;
- (vii) Building and site arrangement;
- (viii) Vehicles used with the activity;
- (ix) The relative number of vehicle trips generated by the use;
- (x) Signs;
- (xi) How the use advertises itself; and
- (xii) Whether the activity is likely to be found independent of the other activities on the site.

#### (4) Developments with Multiple Principal Uses

When all principal uses of a development fall within one use category, the entire development is assigned to that use category. A development that contains a coffee shop, bookstore and bakery, for example, would be classified in the retail sales and service category because all of the development's principal uses are in that category. When the principal uses of a development fall within different use categories, each principal use is classified in the applicable category and each use is subject to all applicable regulations for that category.

#### (5) Accessory Uses

Accessory uses are allowed by right in conjunction with a principal use unless otherwise stated in the regulations. Also, unless otherwise stated, accessory uses are subject to the same regulations as the principal use. Common accessory uses are listed as examples in the use category descriptions.

#### (6) Use of Examples

The examples subsection of each use category lists common examples of uses included in the respective use category. The names of these sample uses are generic. They are based on common meanings and not on what a specific use may call itself. For example, a use that calls itself a wholesale warehouse but that sells mostly to consumers, is included in the retail sales and service category rather than the wholesale sales category. This is because the actual activity on the site matches the description of the retail sales and service category.

### (b) Group Living

#### (1) Characteristics

Group living is characterized by the residential occupancy of a structure by a group of people who do not meet the definition of household living. Tenancy is arranged on a monthly or longer basis, and the size of the group may be larger than a family. Uses where tenancy may be arranged for a shorter period are not considered residential. They

are considered to be a form of lodging (see the Retail Sales and Service and Community Service categories). Generally, group living structures have a common eating area for residents. The residents may receive care, training, or treatment, from caregivers at the site.

**(2) Accessory Uses**

Accessory uses commonly associated with group living are recreational facilities and parking of vehicles for occupants and staff.

**(3) Examples**

The group living category is further broken down into the following specific uses:

- (i) Unlimited – a group living facility shared by or the residence of 17 or more unrelated persons, exclusive of staff.;
- (ii) Large – a group living facility shared by or the residence of more than eight but fewer than 17 unrelated persons, exclusive of staff;
- (iii) Small – a group living facility shared by or the residence of more than four but up to eight unrelated persons, exclusive of staff; and
- (iv) Exceptions.

**(c) Household Living**

**(1) Characteristics**

Household living is characterized by the residential occupancy of a dwelling unit by a household. Tenancy is arranged on a month-to-month or longer basis. Uses where tenancy may be arranged for a shorter period are not considered residential. They are considered to be a form of transient lodging (see the Retail Sales and Service and Community Service categories).

**(2) Accessory Uses**

Accessory uses commonly associated with household living are recreational activities, raising of pets, gardens, personal storage buildings, hobbies and parking of the occupants' vehicles. Home occupations and accessory dwelling units are accessory uses that are subject to additional regulations. (See 21.04.040)

**(3) Examples**

Uses include living in houses, duplexes, triplexes, fourplexes and other multidwelling structures, retirement center apartments, manufactured housing and other structures with self-contained dwelling units.

**(4) Exceptions**

Lodging in a dwelling unit or where less than two-thirds of the units are rented on a monthly or longer basis is considered a hotel or motel use and is classified in the retail sales and service category.

**(d) Colleges**

**(1) Characteristics**

This category includes colleges and other institutions of higher learning that offer courses of general or specialized study leading to a degree. Colleges tend to be in campus-like settings usually on multiple blocks.

**(2) Accessory Uses**

Accessory uses include offices, housing for students, food service, laboratories, health and sports facilities, theaters, meeting areas, parking, maintenance facilities and support commercial.

**(3) Examples**

Examples include universities, liberal arts colleges, community colleges, nursing and medical schools not accessory to a hospital and seminaries.

**(4) Exceptions**

Business and trade schools are classified as retail sales and service.



**(e) Community Services****(1) Characteristics**

Community Services are uses of a public, nonprofit, or charitable nature generally providing a local service to people of the community. Generally, they provide the service on-site or have employees at the site on a regular basis. The service is ongoing, not just for special events. Community centers or facilities that have membership provisions are open to the general public to join at any time (for instance, any senior citizen could join a senior center). The use may provide special counseling, education, or training of a public, nonprofit or charitable nature.

**(2) Accessory Uses**

Accessory uses may include offices; meeting areas; food preparation areas; parking, health and therapy areas; and athletic facilities.

**(3) Examples**

Examples include libraries, museums, senior centers, community centers, publicly owned swimming pools, youth club facilities, hospices, social service facilities, temporary shelters, vocational training for persons with physical or mental disabilities, crematoriums, columbariums and mausoleums.

**(4) Exceptions**

- (i) Private lodges, clubs and private or commercial athletic or health clubs are classified as retail sales and service. Commercial museums are classified as retail sales and service.
- (ii) Parks are classified as parks and open areas.
- (iii) Uses where tenancy is arranged on a month-to-month basis, or for a longer period are residential and are classified as household or group living.

**(f) Day Care****(1) Characteristics**

Day care uses provide care, protection and supervision for children or adults on a regular basis away from their primary residence for less than 24 hours per day. There are two types of day care:

- (i) Home-Based Day Care. A home-based day care provides care protection and supervision for up to 12 individuals, not including children of the day care provider, or as allowed by State licensing.
- (ii) General Day Care. A general day care provides care protection and supervision for 12 or more individuals, or as licensed by the State.

**(2) Accessory Uses**

Accessory uses include offices, recreation areas and parking.

**(3) Examples**

Examples include preschools, nursery schools, latch key programs and adult day care programs. Childcare Centers, as defined in Section 26-6-102(1.5), C.R.S., are classified as day care uses under this Code.

**(4) Exceptions**

Day Care does not include public or private schools or facilities operated in connection with an employment use, shopping center or other principal use, where children are cared for while parents or guardians are occupied on the premises or in the immediate vicinity.

**(g) Hospitals****(1) Characteristics**

Hospitals include uses providing medical or surgical care to patients and offering overnight care.

**(2) Accessory Uses**

Accessory uses include outpatient clinics, offices, laboratories, teaching facilities, meeting areas, cafeterias, parking, maintenance facilities and housing facilities for staff or trainees.

**(3) Examples**

Examples include medical centers and hospitals.

- (4) Exceptions**
  - (i) Uses that provide exclusive care and planned treatment or training for psychiatric, alcohol, or drug problems, where patients are residents of the program, are classified as group living facilities.
  - (ii) Medical clinics or centers that provide care where patients are generally not kept overnight are classified as office.
  - (iii) Emergency medical clinics are classified as retail sales and service.
- (h) Parks and Open Areas**
  - (1) Characteristics**  
Parks and open areas are uses of land focusing on natural areas, large areas consisting mostly of vegetative landscaping or outdoor recreation, community gardens, or public squares. Lands tend to have few structures.
  - (2) Accessory Uses**  
Accessory uses may include clubhouses, maintenance facilities, concessions, caretaker's quarters and parking.
  - (3) Examples**  
Examples include parks, golf courses, cemeteries, public squares, plazas, playgrounds, ballfields, recreation areas, recreational trails, botanical gardens, nature preserves and land used for grazing that is not part of a farm or ranch.
- (i) Religious Institutions**
  - (1) Characteristics**  
Religious Institutions primarily provide meeting areas for religious activities.
  - (2) Accessory Uses**  
Accessory uses include Sunday school facilities, parking, caretaker dwellings and group living facilities such as convents.
  - (3) Examples**  
Examples include churches, temples, synagogues and mosques.
- (j) Safety Services**
  - (1) Characteristics**  
Safety Services are uses that provide public safety and emergency response services. They often need to be located in or near the area where the service is provided. Employees are regularly present on-site.
  - (2) Accessory Uses**  
Accessory uses include offices and parking.
  - (3) Examples**  
Examples include fire stations, police stations and emergency medical and ambulance stations.
- (k) Schools**
  - (1) Characteristics**  
This category includes public and private schools at the primary, elementary, middle, junior high, or high school level that provide elective or state-mandated education.
  - (2) Accessory Uses**  
Accessory uses include play areas, cafeterias, recreational and sport facilities, auditoriums and before- or after-school day care.
  - (3) Examples**  
Examples include public and private daytime schools, boarding schools and military academies.
  - (4) Exceptions**
    - (i) Preschools are classified as day care uses.
    - (ii) Business and trade schools are classified as retail sales and service.

**(l) Utilities, Basic****(1) Characteristics**

Basic utilities are infrastructure services that need to be located in or near the area where the service is provided. Basic utility uses generally do not regularly have employees at the site. Services may be publicly or privately provided.

**(2) Accessory Uses**

Accessory uses may include parking and control, monitoring, data or transmission equipment.

**(3) Examples**

Examples include water and sewage pump stations; electrical substations; water towers and reservoirs; stormwater retention and detention facilities; telephone exchanges; recycling drop-off stations; and park-and-ride facilities for mass transit.

**(4) Exceptions**

- (i) Services where people are generally present are classified as Community Services, Offices, or Safety Services.
- (ii) Utility offices where employees or customers are generally present are classified as offices.
- (iii) Bus barns are classified as warehouse and freight movement.

**(m) Utility Corridors****(1) Characteristics**

This category includes public or private passageways, including easements, for the express purpose of transmitting or transporting electricity, gas, oil, water, sewage, communication signals, or other similar services on a regional level.

**(2) Examples**

Examples include major utility transmission lines and pipelines, including 115kV or larger electrical transmission lines.

**(3) Exceptions**

Utility corridors located within public rights-of-way are not included.

**(n) Entertainment Event, Major****(1) Characteristics**

Major entertainment event uses are characterized by activities and structures that draw large numbers of people to specific events or shows. Activities are generally of a spectator nature.

**(2) Accessory Uses**

Accessory uses may include restaurants, bars, concessions, parking and maintenance facilities.

**(3) Examples**

Examples include stadiums, sports arenas, coliseums, auditoriums, exhibition and meeting areas and fairgrounds.

**(4) Exceptions**

- (i) Exhibition and meeting areas with less than 20,000 square feet of total event area are classified as retail sales and service.
- (ii) Banquet halls that are part of hotels or restaurants are accessory to those uses, are included in the retail sales and service category.
- (iii) Theaters, including drive-in theaters, are classified as retail sales and service.
- (iv) Recreation or entertainment uses conducted on a continuous basis are classified as outdoor recreation and entertainment or retail sales and service uses.

**(o) Office****(1) Characteristics**

Office uses are characterized by activities conducted in an office setting and generally focusing on business, government, professional, medical, or financial services.

- (2) Accessory Uses**  
Accessory uses may include cafeterias, health facilities, parking, or other amenities primarily for the use of employees in the firm or building.
- (3) Examples**  
Examples include professional services such as lawyers, accountants, engineers, or architects; financial businesses such as lenders, brokerage houses, bank headquarters, or real estate agents; data processing; sales offices; government offices and public utility offices; TV and radio studios; medical and dental clinics, medical and dental labs; and blood-collection facilities.
- (4) Exceptions**
- (i) Offices that are part of and located with a principal use in another category are considered accessory. Headquarters offices, when in conjunction with or adjacent to a principal use in another category, are considered part of the other category.
  - (ii) Contractors and others who perform services off-site are included in the office category if equipment and materials are not stored on the site and fabrication, services, or similar work is not carried on at the site.
- (p) Parking, Commercial**
- (1) Characteristics**  
Commercial parking facilities provide parking that is not accessory to a specific use. A fee may or may not be charged. A facility that provides both accessory parking for a specific use and regular fee parking for people not connected to the use is also classified as a commercial parking facility.
- (2) Accessory Uses**  
In a parking structure only, accessory uses may include gasoline sales, car washing and vehicle repair activities if these uses provide service only to vehicles parked in the garage.
- (3) Examples**  
Examples include short- and long-term fee parking facilities and mixed parking lots (partially accessory to a specific use, partly for rent to others).
- (4) Exceptions**
- (i) Parking facilities that are accessory to a use, but that charge the public to park for occasional events nearby, are not considered commercial parking facilities.
  - (ii) Parking facilities that are accessory to a principal use are not considered commercial parking uses, even if the operator leases the facility to the principal use or charges a fee to the individuals who park in the facility.
  - (iii) Public transit park-and-ride facilities are classified as basic utilities.
- (q) Recreation and Entertainment, Outdoor**
- (1) Characteristics**  
Outdoor recreation and entertainment uses are large, generally commercial uses that provide continuous recreation or entertainment-oriented activities. They primarily take place outdoors. They may take place in a number of structures that are arranged together in an outdoor setting.
- (2) Accessory Uses**  
Accessory uses may include concessions, restaurants, parking, caretaker's quarters and maintenance facilities.
- (3) Examples**  
Examples include riding academies, roping arenas, equestrian arenas, amusement parks, theme parks, golf driving ranges, miniature golf facilities and zoos.
- (4) Exceptions**
- (i) Golf courses are classified as parks and open space.
  - (ii) Uses that draw large numbers of people to periodic events, rather than on a continuous basis, are classified as major entertainment events.

**(r) Retail Sales and Service****(1) Characteristics**

Retail sales and service firms are involved in the sale, lease or rent of new or used products to the general public. They may also provide personal services or entertainment, or provide product repair or services for consumer and business goods.

**(2) Accessory Uses**

Accessory uses may include offices, storage of goods, manufacture or repackaging of goods for on-site sale and parking.

**(3) Examples**

Examples include uses from the four following groups:

- (i) Sales-Oriented: Stores selling, leasing, or renting consumer, home and business goods including art, art supplies, bicycles, clothing, dry goods, electronic equipment, fabric, furniture, garden supplies, gifts, groceries, hardware, home improvements, household products, jewelry, pets, pet food, pharmaceuticals, plants, printed material, stationary and videos; food sales and sales or leasing of consumer vehicles including passenger vehicles, motorcycles, light and medium trucks and other recreational vehicles, wineries, and fruit and vegetable stands.
- (ii) Personal Service-Oriented: Branch banks; emergency medical care; laundromats; photographic studios; photocopy and blueprint services; hair, tanning and personal care services; business, martial arts and other trade schools; dance or music classes; taxidermists; mortuaries; veterinarians; and animal grooming.
- (iii) Entertainment-Oriented: Restaurants, cafes, delicatessens, bars and taverns; indoor continuous entertainment activities such as bowling alleys, ice rinks and game arcades; pool halls; dance halls; indoor firing ranges; theaters, health clubs, gyms, membership clubs and lodges; hotels, motels, recreational vehicle parks and other temporary lodging with an average length of stay of less than 30 days.
- (iv) Repair-Oriented: Repair of TVs, bicycles, clocks, watches, shoes, guns, appliances and office equipment; photo or laundry drop-off; tailor; locksmith; and upholsterer.

**(4) Exceptions**

- (i) Lumberyards and other building material sales that sell primarily to contractors and do not have a retail orientation are classified as wholesale sales.
- (ii) Repair and service of consumer motor vehicles, motorcycles and light and medium trucks are classified as vehicle repair. Repair and service of industrial vehicles and equipment and heavy trucks are classified as industrial service.
- (iii) Sales, rental, or leasing of heavy trucks and equipment or manufactured housing units are classified as wholesale sales.
- (iv) Hotels, restaurants and other services that are part of a truck stop are considered accessory to the truck stop, which is classified as industrial service.
- (v) In certain situations, hotels and motels may be classified as a community service use, such as short-term housing or mass shelter. See Community Services.

**(s) Self-Service Storage****(1) Characteristics**

Self-service storage uses provide separate storage areas for individual or business uses. The storage areas are designed to allow private access by the tenant for storing or removing personal property.

**(2) Accessory Uses**

Accessory uses may include living quarters for a resident manager or security and leasing offices. Use of the storage areas for sales, service and repair operations, or manufacturing is not considered accessory to the self-service storage use. The rental of trucks or equipment is also not considered accessory to a self-service storage use.

**(3) Examples**

Examples include facilities that provide individual storage areas for rent. These uses are also called mini-warehouses.

- (4) Exceptions**  
A transfer and storage business where there are no individual storage areas or where employees are the primary movers of the goods to be stored or transferred is in the warehouse and freight movement category.
- (f) Vehicle Repair**
- (1) Characteristics**  
Vehicle repair includes servicing passenger vehicles, light and medium trucks and other consumer motor vehicles such as motorcycles, boats and recreational vehicles. The customer may wait at the site while the service or repair is being performed, but generally not.
- (2) Accessory Uses**  
Accessory uses may include offices, sales of parts and vehicle storage.
- (3) Examples**  
Examples include vehicle repair, transmission or muffler shop, auto body shop, alignment shop, auto upholstery shop, auto detailing and tire sales and mounting.
- (4) Exceptions**  
Repair and service of industrial vehicles and equipment and of heavy trucks; towing and vehicle storage; and vehicle wrecking and salvage are classified as industrial service.
- (u) Vehicle Service, Limited**
- (1) Characteristics**  
Limited vehicle service uses provide direct services to motor vehicles where the driver or passengers generally wait in the car or nearby while the service is performed.
- (2) Accessory Uses**  
Accessory uses may include auto repair and tire sales.
- (3) Examples**  
Examples include full-service, mini-service and self-service gas stations; car washes; and quick lubrication services.
- (4) Exceptions**
- (i)** Truck stops are classified as industrial service.
- (ii)** Refueling facilities for vehicles that belong to a specific use (fleet vehicles) are considered accessory uses if they are located on the site of the principal use.
- (v) Industrial Service, Contractors and Trade Shops, Oil & Gas Support Operations**
- (1) Characteristics**  
Industrial Service firms are engaged in the repair or servicing of industrial, business or consumer machinery, equipment, products or by-products. Firms that service consumer goods do so by mainly providing centralized services for separate retail outlets. Contractors and building maintenance services and similar uses perform services off-site. Few customers, especially the general public, come to the site.
- (2) Accessory Uses**  
Accessory activities may include offices, parking and storage.
- (3) Examples**  
Examples include oil and gas and/or support operations welding shops; machine shops; tool repair; electric motor repair; repair of scientific or professional instruments; sales, repair, storage, salvage or wrecking of heavy machinery, metal and building materials; towing and vehicle storage; auto and truck salvage and wrecking; heavy truck servicing and repair; tire retreading or recapping; truck stops; building, heating, plumbing or electrical contractors; printing, publishing and lithography; exterminators; janitorial and building maintenance services; fuel oil distributors; solid fuel yards; research and development laboratories; laundry, dry-cleaning and carpet cleaning plants; and photofinishing laboratories.

**(4) Exceptions**

- (i) Contractors and others who perform services off-site are included in the office category, if major equipment and materials are not stored at the site and fabrication, or similar work is not carried on at the site.
- (ii) Hotels, restaurants and other services that are part of a truck stop are considered accessory to the truck stop.
- (iii) Operations which includes storage of hazardous materials requires a CUP.

**(w) Manufacturing and Production****(1) Characteristics**

Manufacturing and production uses are involved in the manufacturing, processing, fabrication, packaging, or assembly of goods. Natural, man-made, raw, secondary, or partially completed materials may be used. Products may be finished or semifinished and are generally made for the wholesale market, for transfer to other plants, or to order for firms or consumers. Goods are generally not displayed or sold on site, but if so, they are a subordinate part of sales. Relatively few customers come to the manufacturing site.

**(2) Accessory Uses**

Accessory activities may include offices, cafeterias, parking, employee recreational facilities, warehouses, storage yards, repair facilities, truck fleets and caretaker's quarters.

**(3) Examples**

Examples include processing of food and related products; catering establishments; slaughter houses and meat packing; weaving or production of textiles or apparel; lumber mills, pulp and paper mills and other wood products manufacturing; woodworking, including cabinet makers; production of chemical, rubber, leather, clay, bone, plastic, stone, or glass materials or products; movie production facilities; concrete batching and asphalt mixing; production or fabrication of metals or metal products including enameling and galvanizing; manufacture or assembly of machinery, equipment, instruments, including musical instruments, vehicles, appliances, precision items and other electrical items; production of artwork and toys; sign making; and production of prefabricated structures, including mobile homes.

**(4) Exceptions**

- (i) Manufacturing of goods to be sold primarily on-site and to the general public are classified as retail sales and service.
- (ii) Manufacture and production of goods from composting organic material is classified as waste-related uses.

**(x) Warehouse and Freight Movement****(1) Characteristics**

Warehouse and freight movement uses are involved in the storage, or movement of goods for themselves or other firms. Goods are generally delivered to other firms or the final consumer, except for some will-call pickups. There is little on-site sales activity with the customer present.

**(2) Accessory Uses**

Accessory uses may include offices, truck fleet parking and maintenance areas.

**(3) Examples**

Examples include separate warehouses used by retail stores such as furniture and appliance stores; household moving and general freight storage; cold storage plants, including frozen food lockers; storage of weapons and ammunition; major wholesale distribution centers; truck, or air freight terminals; bus barns; parcel services; major post offices; and grain terminals.

**(4) Exceptions**

- (i) Uses that involve the transfer or storage of solid or liquid wastes are classified as waste-related uses.
- (ii) Mini-warehouses are classified as self-service storage uses.

**(y) Waste-Related****(1) Characteristics**

Waste-related uses are characterized by uses that receive solid or liquid wastes from others for disposal on the site or for transfer to another location, uses that collect sanitary wastes, or uses that manufacture or produce goods or

energy from the composting of organic material. Waste-related uses also include uses that receive hazardous wastes from others.

**(2) Accessory Uses**

Accessory uses may include recycling of materials, offices and repackaging and transshipment of by-products.

**(3) Examples**

Examples include sanitary landfills, tire disposal or recycling, waste composting, recycling processing facilities, incinerators, energy recovery plants, sewage plants, brine disposal/storage and hazardous-waste-collection sites.

**(4) Exceptions**

Disposal of dirt, concrete, asphalt and similar non-decomposable materials is considered fill. Recycling drop-off stations (no on-site processing) are basic utility uses.

**(z) Wholesale Sales**

**(1) Characteristics**

Wholesale sales uses are involved in the sale, lease, or rental of products primarily intended for industrial, institutional, or commercial businesses. The uses emphasize on-site sales or order taking and often include display areas. Businesses may or may not be open to the general public, but sales to the general public are limited. Products may be picked up on-site or delivered to the customer.

**(2) Accessory Uses**

Accessory uses may include offices, product repair, warehouses, parking, minor fabrication services and repackaging of goods.

**(3) Examples**

Examples include sale or rental of machinery, equipment, heavy trucks, building materials, special trade tools, welding supplies, machine parts, electrical supplies, janitorial supplies, restaurant equipment and store fixtures; mail order houses; and wholesalers of food, clothing, auto parts, building hardware.

**(4) Exceptions**

- (i) Firms that engage primarily in sales to the general public or on a membership basis are classified as retail sales and service.
- (ii) Firms that are primarily storing goods with little on-site business activity are classified as warehouse and freight movement.

**(aa) Agriculture**

**(1) Characteristics**

Agriculture includes activities that primarily involve raising, producing or keeping plants or animals.

**(2) Accessory Uses**

Accessory uses include dwellings for proprietors and employees of the use, animal training, and wholesale sales of products produced on-site.

**(3) Examples**

Examples include breeding or raising of fowl or other animals; dairy farms; stables; riding academies; kennels or other animal boarding places; farming, orchards, vineyards, truck gardening, forestry, tree farming; and wholesale plant nurseries.

**(4) Exceptions**

- (i) Processing of animal or plant products are classified as manufacturing and Production.
- (ii) Livestock auctions are classified as wholesale sales.
- (iii) Plant nurseries that are oriented to retail sales are classified as retail sales and service.



**(bb) Aviation and Surface Passenger Terminals****(1) Characteristics**

Aviation and surface passenger terminals include facilities for the landing and takeoff of aircraft, including loading and unloading areas. Aviation facilities may be improved or unimproved. Aviation and surface passenger terminals also include passenger terminals for aircraft, regional bus service and regional rail service.

**(2) Accessory Uses**

Accessory uses include freight handling areas, concessions, offices, parking and maintenance and fueling facilities.

**(3) Examples**

Examples include airports, bus passenger terminals for regional bus service, railroad passenger stations for regional rail service and helicopter landing facilities.

**(4) Exceptions**

- (i) Bus and rail passenger stations for subregional service such as mass transit stops and park-and-ride facilities are classified as basic utilities.
- (ii) Private helicopter landing facilities that are accessory to another use are considered accessory uses. However, they are subject to all the regulations and approval criteria for helicopter landing facilities.

**(cc) Detention Facilities****(1) Characteristics**

Detention facilities include facilities for the judicially required detention or incarceration of people. Inmates and detainees are under 24 hour supervision by peace officers, except when on an approved leave.

**(2) Accessory Uses**

Accessory uses include offices, recreational and health facilities, therapy facilities, maintenance facilities and hobby and manufacturing activities.

**(3) Examples**

Examples include prisons, jails, probation centers.

**(4) Exceptions**

Programs that provide care and training or treatment for psychiatric, alcohol, or drug problems, where patients are residents of the program, but where patients are not supervised by peace officers are classified as group living. Programs that provide transitional living experience for former offenders, such as halfway houses, where residents are not supervised by peace officers, are also classified as group living.

**(dd) Mining****(1) Characteristics**

Mining includes mining or extraction of mineral or aggregate resources from the ground for off-site use.

**(2) Accessory Uses**

Accessory uses include storage, sorting, stockpiling, or transfer off-site of the mined material.

**(3) Examples**

Examples include quarrying or dredging for sand, gravel or other aggregate materials; mining; and oil, gas, or geothermal drilling.

**(ee) Telecommunications Facilities****(1) Characteristics**

Telecommunications facilities includes all devices, equipment, machinery, structures or supporting elements necessary to produce non-ionizing electromagnetic radiation within the range of frequencies from 100 KHz to 300 GHz and operating as a discrete unit to produce a signal or message. Facilities may be self-supporting, guyed, or mounted on poles, other structures, light posts, power poles, or buildings. Facilities shall also include intertie and

interconnection translators, connections from over-the-air to cable, fiber optic, or other landline transmission system.

**(2) Accessory Uses**

Accessory use may include transmitter facility buildings.

**(3) Examples**

Examples include broadcast towers, communication towers and point-to-point microwave towers.

**(4) Exceptions**

- (i) Receive-only antennas are not included in this category.
- (ii) Radio and television studios are classified in the office category.
- (iii) Radio and television broadcast facilities that are public safety facilities are classified as basic utility facilities.

## 21.04.030 Use-Specific Standards

### (a) Animal Regulations

#### (1) Purpose and Scope

- (i) This Section provides rules and regulations for the keeping of agricultural animals, household pets and other animals. Keeping of animals shall not become a nuisance, hazard and/or create a public health problem.
- (ii) Animal uses such as feedlots, zoos, kennels and veterinary/animal hospitals are specifically identified in the Use Table and shall be administered by the provisions of this Chapter.

#### (2) Nonconforming Use

The existing, lawful use of a premise or structure, used for the keeping of animals, which is not in conformance with the provisions of this Code, may be continued, subject to the following:

- (i) No use may be expanded or enlarged, except in conformance with this Code;
- (ii) If a nonconforming use is discontinued for 12 consecutive months, any future use shall fully conform to this Code; and
- (iii) Having written proof of the existence of the use shall be the responsibility of the occupant or property owner.

#### (3) Agricultural Animals (see Definitions)

- (i) The CSR, R-R, R-E, R-1 and R-2 districts shall not have more than one large Agricultural Animal per one-quarter acre of land and shall be subject to the fencing requirements of this chapter. In these districts, all types of fowl (e.g. chickens, turkeys, ducks, and geese) shall be allowed, subject to the confinement provisions of this Section.
- (ii) In all other districts, a maximum of one large agricultural animal (e.g. horse, sheep, cow, mule or burro) shall be allowed per one-half acre of land.
- (iii) Agricultural animals shall be subject to the following provisions:
  - (A) All large agricultural animals kept on a parcel shall be fenced so that they are no closer than 100 feet from any residential structure on another property. For the purposes of this section, the first in time shall be the first in right. Written permission, if the animal were not first in time, for a lesser distance may be obtained from the property owner, or if not owner occupied, from the occupant.
  - (B) No person shall keep, house, or shelter one or more pig in any zone district other than R-R unless such person has obtained a conditional use permit in accordance with the provisions of Section 21.02.110.
  - (C) Small animals e.g., chickens and rabbits, which are kept outside the residence, shall be confined by a fence, cage, or pen so as to be no closer than 20 feet from a principal residential structure on an adjoining property. A maximum of six adult animals shall be allowed on parcels of one-half an acre or less. On parcels greater than one-half an acre, 15 adult animals shall be allowed per acre.
  - (D) In the R-R district, the number of agricultural animals and small animals allowed under this section may be exceeded with a conditional use permit (see Section 21.02.110). If the conditional use application is approved, the permit shall state the maximum number of animals allowed by type and in the aggregate.

#### (4) Household Pets (Chapter Nine)

- (i) In all districts, a maximum of three adult (four months or older) household pets, e.g. dogs and cats, per species, shall be allowed. In no event shall the total number of adult household pets exceed six.
- (ii) The requirements of a. above shall not apply to those small animals kept within a residence as household pets, e.g., fish, small birds (parakeets, parrots), rodents (mice, rats), and reptiles (nonpoisonous snakes, lizards).
- (iii) Dogs or cats kept confined in kennels shall be kept no closer than 20 feet from the nearest principal residential structure on an adjacent property, unless written permission for a lesser distance is obtained from the adjacent occupant or property owner. Such permission may be revoked at any time. Upon revocation, the owner of the animal shall have 30 days to move the animal so that compliance is achieved.

#### (5) Other Animals

Other animals may be kept only after obtaining approval from the Director.

**(b) Adult Entertainment**

- (1) The City Council finds that the concentration of certain adult entertainment establishments in cities tends to result in the blighting and deterioration of the areas of such concentration. Accordingly, it is necessary that these establishments be regulated in a manner as to prevent the erosion of the character of affected neighborhoods.
- (2) No adult entertainment establishment as defined herein shall be permitted within the City of Grand Junction except as provided in this Code.
- (3) The purpose of this Section is to establish for the zoning and location of adult entertainment establishments which:
  - (i) Are not a nuisance; and
  - (ii) Do not violate the provisions of the law regarding sexual conduct, obscene material or obscene conduct.
- (4) Nothing in this Code authorizes, legalizes or permits the establishment, operation or maintenance of any business, building or activity which violates any other municipal ordinance or provision of the laws regarding nuisances, sexual conduct, obscene material or obscene conduct. Obscene material or obscene conduct means that material or conduct which, taken as a whole, appeals to the prurient interest of the average person, applying a contemporary local standard and depicts or describes sexual conduct which, taken as a whole, lacks serious literary, artistic, political or scientific value. The term contemporary local standard means that the material or conduct at issue must be measured in terms of the contemporary community standards of the City.

**(5) Definitions****(i) 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:

- (A) 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;
- (B) Adult hotel or motel: Any hotel or motel in which the presentation of adult material is the primary or a principal attraction; and
- (C) Adult motion picture theater: Any fully enclosed theater in which the presentation of adult material is the primary or principal attraction;
- (D) 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.

**(ii) Adult Material**

Any material including, but not limited to books, magazines, newspapers, movie films, slides, or other photographic or written materials, video tapes and/or devices which are distinguished by their emphasis on depicting, describing or relating to specified anatomical areas or specified sexual activities:

- (A) Specified anatomical areas are any of the following which are less than completely and opaquely covered:
  - a. Human genitals and pubic region;
  - b. Buttocks;
  - c. The human female breast or breasts to a point immediately below the top of the areola; and
  - d. Human male genitals in a discernibly turgid state even if completely and opaquely covered.
- (B) Specified sexual activities or sexual conduct:
  - a. Human genitals in a state of sexual stimulation or arousal;
  - b. Actual or simulated acts of sexual intercourse, masturbation, sodomy, bestiality, cunnilingus, fellatio, anilingus or any sexual acts which are prohibited by law; and
  - c. Touching or fondling of the human female breast, buttock, anus or genital.

**(iii) Public Building**

Any building owned, leased or held by the United States of America, the State of Colorado, Mesa County, or the City of Grand Junction, any school district or other agency or political subdivision, which building is used for governmental purposes.

**(iv) School**

Any public or private educational facility including child day care facilities, nursery schools, preschools, kindergartens, elementary schools, middle schools, junior high schools, high schools, vocational schools, special education schools, colleges, universities and trade schools. School includes the school grounds, buildings, structures and facilities.

**(v) Church**

Any structure or building for public worship.

**(vi) Park**

Any public property kept, used and maintained for recreational, ornamental or aesthetic purposes.

**(vii) Playground**

Any property, public or private, used for and equipped with facilities for recreation especially by children. A playground may be incidental to school use but is not limited to school use or school facilities as defined herein.

**(6) Prohibition**

No person, corporation, or business of any sort or description, shall cause or permit the location or operation of an adult entertainment establishment as defined herein within 1,000 feet of the property line of another such business or within 1,000 feet of the property line of any church, school, park, playground, public building or within 1,000 feet of any residentially zoned property as the same are established under this Code. The operation of an adult entertainment establishment shall include the opening of such business as a new business, the relocation of such business or the conversion of an existing business location to any of the uses described herein.

**(7) Nonconforming Uses**

Uses made nonconforming shall be governed by those provisions of this Code.

**(c) Flea Markets**

- (1)** This Section establishes standards for the operation of flea markets in a manner that protects adjacent property values and street function.
- (2)** Performance Standards. All flea markets shall meet the following standards (see Chapter 21.10, Definitions and 21.04.010, Use Table):
  - (i)** No booth, stall, or other display area shall be placed or maintained within any required setback area;
  - (ii)** Off street parking shall be provided at 1.5 spaces per booth or stall;
  - (iii)** Parking area shall only be accessible by driveways meeting standards established in TEDS;
  - (iv)** Sanitary facilities as required by the Director shall be provided on site;
  - (v)** All items for sale shall be stored indoors (or within an approved-screened storage area) or removed from the site at the close of each business day. Flea markets shall not be open for business in excess of 16 hours per day;
  - (vi)** No storage of items other than those available for retail sale may be stored on the premises unless confined within an approved screened storage area as per Section 21.04.040(h);
  - (vii)** Flea markets shall not derive access from a collector or local street which serves a residential district located within 1,200 feet of the property on which the flea market is located; and
  - (viii)** An owner or operator of an existing flea market shall comply with all City regulations on or before December 31, 2005.

**(d) New Car/Auto Recycler, End Recycler (Salvage Yard), Wrecking Yards, Appliance Recycler, Impound Lots**

(For existing uses see Section 21.04.040(h)(2)(iii).) 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:

- (1)** Recycling/wrecking/salvage yards and impound lots shall provide the screening and buffering required by 21.06.040(i) and provide a six feet high wall along the street frontage and along the first 50 feet of the side perimeter from the street. The wall shall be increased to eight feet if the yard will contain any stored items in

excess of six feet. The required wall shall meet the required front yard setback with landscaping in the setback area.

- (2) The wall shall be of solid, 100 percent opaque, construction of wood, masonry, or other material approved in writing by the Director (unless the screening and buffering required by 21.06.040(i) allows for only masonry or wood).
- (3) All outdoor yards or storage lots shall comply with the following:
  - (i) No yard or storage lot shall be placed or maintained within a required yard setback.
  - (ii) Stored items shall not project above the screening except for integral units as defined in Chapter 21.10, Definitions; and stacking of no more than two vehicles on top of a wheel stand. Integral units shall include shelving up to 20 feet in height for the purpose of storing recyclable materials. Integral units shall not be stored within the first 20 feet of the property from any street frontage property line.
  - (iii) All screening shall be installed in a professional and workmanlike manner, and maintained in good condition.
- (4) All compaction, cutting and/or other material volume reducing operations shall be conducted to minimize the noise generated by the operation.
- (5) Unusable items shall be disposed of and not be allowed to collect on the premises.
- (6) All tires not mounted on operational vehicles shall be neatly stacked or placed in racks. If stacked, the stacks shall not be over six feet in height; if on racks, the top of any tire on any rack shall not be over ten feet in height.
- (7) 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.

**(e) Recreational Campgrounds**

Recreational campgrounds shall meet all of the following standards:

- (1) Campgrounds shall not be used as permanent residences except for the owner or manager and permanent maintenance personnel;
- (2) Towed vehicles within the campground shall not exceed eight feet in width;
- (3) No person shall stay in any campground more than 180 days per calendar year. The Director on an individual basis may grant an extension for each user for an additional 90 day period. An extension shall be requested, in writing, by the owner or manager of the campground;
- (4) Separate camping areas shall be maintained for independent units, dependent units, and tents;
- (5) Camping sites shall be a minimum of 1,250 square feet and at least 25 feet in width;
- (6) Each campground shall provide an active recreational area consisting of 100 square feet per campground space;
- (7) Campsites shall be spaced so that there is at least: ten feet between sites between pads; eight feet from the interior roadway to each pad; 50 feet from exterior roadways to each pad; and 15 feet from property lines to each pad;
- (8) Parking spaces and interior roadways and pad sites (other than tent sites) shall be paved;
- (9) Sewage facilities shall be connected to a public sewer collection and treatment system approved by the City;
- (10) If provided, electric and gas service shall meet all state and local electric and gas regulations. All utilities shall be underground;
- (11) At least one public telephone shall be provided on site;
- (12) Interior roadways must comply with Colorado Department of Health standards in addition to the requirements of this Code;
- (13) Walkways within the campground area shall be at least four feet wide with hard surface;
- (14) Streets and walks shall be lighted every 400 feet, conforming to the overall design of the campground;
- (15) Service buildings with restroom and other facilities shall be provided in accordance with Colorado Department of Health standards;
- (16) All areas within the campground must have an acceptable form of ground cover to prevent erosion and blowing dust;
- (17) One tree of a species suitable for the area shall be provided for each camping space and shall be located in close proximity to the space;

- (18) All trash collection areas shall be screened, and protective fencing shall be provided around hazardous areas;
- (19) Adjoining residential areas shall be screened by a solid fence or year round vegetation measuring six feet in height. Fences must comply with Section 21.04.040(i), any design guidelines and other conditions of approval;
- (20) At least one clothes washing machine shall be provided on site for the first ten spaces, plus one machine per each additional 15 spaces. One clothes dryer shall be provided per each 20 spaces. These requirements may be waived by the Director if adequate facilities exist in the surrounding area;
- (21) Each campground shall provide at least one full time attendant. A permanent record of registrations must be maintained;
- (22) Each campground must comply with all other requirements of this Code; and
- (23) Each space shall be numbered in a conspicuous location and a space map posted at the entrance to the campground.

**(f) Manufactured Housing Parks**

**(1) Purpose**

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

**(2) Standards**

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

- (i) All manufactured home spaces shall abut on a hard-surfaced roadway of not less than 24 feet in width which shall be adequately lighted and drained and which shall have unobstructed access to a paved public street or highway;
- (ii) No manufactured home or structure shall be closer than 25 feet to any property line of the manufactured home park nor closer than 20 feet to another manufactured home or any building in the park, except where manufactured homes are parked end to end, the end clearance shall be at least 15 feet;
- (iii) No additions shall be built onto any manufactured home other than a porch or entry-way, which shall be not less than 15 feet from the nearest manufactured home and its additions;
- (iv) All buildings and manufactured homes within the park shall be served with centralized water supply and sewage disposal systems approved by the City;
- (v) Two off-street parking spaces shall be provided for each manufactured home site and one space for every 50 square feet of floor area in administration and service buildings;
- (vi) All manufactured homes shall be skirted and anchored in a manner approved by the Director;
- (vii) All parking and driveway areas shall be paved;
- (viii) Mobile homes, recreational vehicles or travel trailers may not be used as residences within a manufactured home park;
- (ix) Each space shall be numbered in a conspicuous location and a space map posted at the entrance to the park;
- (x) In evaluating the proposed development, the City shall evaluate, in addition to other considerations, the following:
  - (A) The effect of the proposed manufactured home park on adjacent property values;
  - (B) The consistence and compliance of the proposed manufactured home park with the provisions of applicable County and State regulations;
  - (C) The suitability of the site for the proposed use with special attention to topography, subsurface conditions and the availability of necessary utility service;
  - (D) The relation of the population density resulting from the proposed manufactured home park to the public interest;
  - (E) The use of sound planning and engineering practices;
  - (F) The availability of access from existing highways and the nature of the altered traffic pattern resulting from the manufactured home park; and
  - (G) The availability of schools, police protection, fire protection and other public services;
- (xi) In the event of approval, the City shall specify appropriate conditions and safeguards to protect the character of existing and future development of adjoining properties as well as the manufactured home park; and



- (xii) Existing manufactured home parks shall comply with the above standards to the greatest extent possible, except that:
  - (A) Existing mobile homes may continue to be used, and replaced in mobile home parks established prior to 1976;
  - (B) Existing spaces may be used, provided that any additions made after the effective date of the Code shall comply with setback requirements herein; and
  - (C) (Paving of existing driveways only shall be required if the park is expanded or the number of spaces increased.

**(g) Mini-Warehouse**

**(1) Purpose**

This Section sets standards for the establishment and maintenance of safe and attractive mini-warehouse developments that will remain a long-term asset to the community. A mini-warehouse shall mean a structure or group of structures for the dead storage of customer's goods and wares where individual stalls or lockers are rented out for storage and where one or more stalls or lockers has less than 500 square feet of floor area.

**(2) Fencing and Screening.**

- (i) Screening and buffering shall be provided in accordance with Sections 21.06.040(e) and 21.06.040(f).
- (ii) Signs or other advertising mediums shall not be placed upon, attached to, or painted on any required walls or fences.

**(3) Landscaping**

All setbacks shall be landscaped in conformance with Section 21.06.040(b) and shall provide appropriate visual screening and/or buffering for adjacent properties.

**(4) Architectural Standards**

Mini-warehouse units provided in conjunction with multifamily housing shall be similar in architectural design and materials to the multifamily structure.

**(5) Commercial Activity Prohibited**

Sales, other than an occasional sale, estate sale or lien foreclosure sale from or at a mini-warehouse is specifically prohibited.

- (i) It shall be unlawful for any owner, operator or lessee of any mini-warehouse or portion thereof to offer for sale, or to sell any item of personal property, or to conduct any type of commercial activity of any kind whatsoever, other than leasing of the storage units, or to permit same to occur upon any area designated as a mini-warehouse; except, one estate sale or other sale of two days or less per calendar quarter shall be allowed per property.
- (ii) The Director may take appropriate legal or administrative action necessary to halt or prohibit any commercial activity from any mini-warehouse other than the leasing of storage units.

**(6) Storage Only**

- (i) No activity other than storage and rental of storage units shall be conducted on the premises.
- (ii) No outside storage shall be permitted except the storage of licensed vehicles within approved areas designated for such storage and meet outdoor storage requirements of Section 21.04.040.

**(7) Signage**

Signage shall conform to the provisions of Section 21.06.070. Storage units 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.

**(8) Accessibility/Circulation**

Vehicular ingress-egress shall provide for safe access by customers and emergency vehicles and shall be paved.

**(9) Height**

Building height shall not exceed 18 feet.



**(10) Off-street Parking and Driveways Standards**

- (i) Parking shall be provided by parking/driving lanes adjacent to the buildings. These lanes shall be at least 26 feet wide when cubicles open onto one side of the lane only and at least 30 feet wide when cubicles open onto both sides of the lane.
- (ii) Two parking spaces shall be provided adjacent to the manager's office.
- (iii) One parking space for every 200 storage cubicles or fraction thereof shall be located adjacent to the project office. A minimum of two such spaces shall be provided.
- (iv) Required parking spaces may not be rented as or used for vehicular storage; however, additional parking areas may be provided for recreational vehicle storage or trucks rented for moving storage items, provided that it is adequately screened in conformance with this Code.

**(h) Bed and Breakfast**

All bed and breakfast uses shall be subject to the following standards:

- (1) Structures shall not be altered in a way that changes the general residential appearance;
- (2) A minimum of one parking space shall be provided for each guest bedroom and two spaces for the owner. Additional parking shall be required if reception or party space is available. If four or more uncovered off-street parking spaces are provided, visual screening from adjacent residential uses shall be required;
- (3) One sign shall be allowed, with a size limit of two square feet on roads with a speed limit of 30 miles per hour or less and six square feet on roads with a speed limit greater than 30 miles per hour. Internally illuminated signs are not allowed. Externally illuminated signs must meet the standards of Section 21.06.070;
- (4) No receptions, private parties or similar activities for which the owner receives a fee shall be permitted unless expressly approved through the review and approval of a Conditional Use Permit;
- (5) The maximum length of stay shall be 30 days;
- (6) All guestrooms shall be located within the principal structure;
- (7) Other than registered guests, no meals shall be served to the general public unless expressly approved. No cooking facilities shall be allowed in the guest rooms;
- (8) All bed and breakfast establishments must comply with Mesa County Health Department Regulations. Written approval by the Mesa County Health Department is required prior to approval by the City; and
- (9) All bed and breakfast establishments shall comply with fire code and building code requirements. Written approval by the governing fire district and building department is required prior to approval by the City.

**(i) Business Residence**

- (1) Residence Occupancy. A business residence is a primary residence, located within a business structure, of the owner, operator or employee of the business. This Section is not intended to permit general residential uses in business or commercial areas.
- (2) Residence as Accessory Use. The same procedures and requirements shall govern a residential accessory use as the principal use with which it is associated (see 21.04.010, Use/Zone Table). The following conditions apply to all business residences:
  - (i) The residential unit shall comply with all appropriate building and fire codes and with all applicable portions of this Code;
  - (ii) Only one single family dwelling unit per business or structure is allowed and it shall be occupied only by the owner, operator, or employee of the principal use and immediate family;
  - (iii) The dwelling unit shall be located within a structure used primarily for business purposes;
  - (iv) A minimum of two off-street parking spaces shall be provided for the dwelling unit in addition to the required parking for the business; and
  - (v) Other conditions as required through site plan approval process.

**(j) Medical and Hazardous Waste Transfer Facilities****(1) Purpose**

The purpose of this Section is to evaluate the expected impact of a proposed medical or hazardous waste transfer facility and to reasonably ensure that such a facility is reasonably safe.

**(2) Application**

A medical or hazardous waste transfer facility receives and temporarily stores medical or hazardous wastes; it does not include facilities for the treatment, storage or disposal of wastes. A conditional use permit, granted in accordance with Section 21.02.110, shall be required prior to establishment of a medical or hazardous waste transfer station. The Director may waive or reduce informational requirements for a specific proposal after making a written finding that such information is not needed to adequately review the impacts of the proposed facility or that other available studies adequately provide the requested information.

**(3) Exemptions**

A facility that provides temporary storage of hazardous or medical wastes generated on the site for a period not to exceed seven days or the time period allowed by the State is not subject to the provisions of this Section.

**(4) Medical or Hazardous Waste Transfer Facility Report Requirements**

An application for a conditional use permit for a medical or hazardous waste transfer facility shall include the submission of a Hazardous Waste Facility Siting Report by the applicant. This report shall summarize and analyze all pertinent information regarding the proposed siting of the facility, and shall:

- (i) Be prepared by an independent, qualified professional. The author of the Hazardous Waste Facility Siting Report shall provide written evidence of expertise required to prepare the report;
- (ii) Include the following information, as well as any additional information deemed necessary by the Planning Commission or City Council for a thorough review of the proposal:
  - (A) Applicant Information
    - a. Applicant and property owners' names, addresses and interests in the property.
    - b. Name, address, and telephone number and credentials of the author of supporting technical documentation.
    - c. Affidavit authorizing the applicant to represent the property owner.
    - d. Legal description and location of the proposed site.
    - e. Location map indicating the location of the site in relation to the City thoroughfare system.
    - f. Zoning map indicating the present zoning of the site (and proposed zoning if a rezoning has been requested) and the zoning of adjacent parcels.
    - g. A land use map indicating existing and proposed site development and land uses of property located within 2,500 feet of proposed storage and operations areas.
    - h. The site topography, including existing and proposed grades shown in contour intervals of two feet.
    - i. The site's hydrological conditions, including the location of any floodplains, wetlands and bodies of water, as well as subsurface water characteristics.
    - j. The site's geological conditions, including description of geological features, unstable areas or other geological anomalies which might affect facility operation and that, to the extent such features exist, they have been adequately addressed in the facility design.
    - k. The history of uses at the site which may have installed underground storage tanks, deposited fill on the property for disposal or grading purposes, or contaminated soils with medical or hazardous wastes.
    - l. The distance from the nearest park, wetland, fresh water stream or water body, wellhead, water pumpage center, sewage treatment plant, sewage trunk line, floodway area, flood fringe area, rail freight line, federal or state highway, public water supply, groundwater recharge area, or aquifer outcrop area.
    - m. Existing streets, driveways, loading areas and public utilities.
  - (B) Project Description and Impact Analysis.
    - a. Description of proposed use of the site, including a detailed explanation of all operations involving medical or hazardous wastes.
    - b. Description and drawing of proposed buildings, structures and storage facilities, including proposed height and bulk of any.
    - c. Description and drawing of all proposed streets, driveways, parking areas and loading area.

- d. A traffic study, which takes into consideration traffic, generated by the facility as well as background traffic and all traffic that will be generated by development authorized under existing regulations in the vicinity of the facility.
- e. Description of efforts made by the applicant to meet with surrounding property owners to inform them of their proposal and respond to their concerns.
- f. Agency findings of compliance with applicable provisions of local, State or Federal law.
- g. Applicant's technical findings related to hydrological, geological and topographical constraints and proposed mitigation measures.
- h. Applicant's findings related to the suitability of the site for the purposes proposed, including consistency with the Comprehensive Plan, natural features and adjacent development patterns.
- i. Applicant's finding that no environmentally, archaeologically, culturally or historically significant areas, threatened or endangered species, or lakes exist on or near the property, which will be negatively impacted by the facility.
- j. Applicant's findings that there are no wetlands on the property which will need to be filled in order to facilitate the construction of the facility.
- k. The operator shall provide details on the site's security system, including an explanation of how access to and from the site is to be controlled.
- l. The operator shall submit a full description of operations including character and location of material transfer and storage, spill and emergency response plans and manifesting program.
- m. Proposed screening and landscaping of the site showing existing and proposed use of plants, berms and fences.
- n. The need to relocate any existing public facilities and utilities located on the site.

**(5) Medical or Hazardous Waste Transfer Facility Review Requirements**

The City shall review the Hazardous Waste Facility Siting Report and the supporting documentation for completeness and the validity of the assumptions stated and determine whether the proposal:

- (i) Is consistent with the Comprehensive Plan;
  - (ii) Will substantially advance the public health, safety or general welfare;
  - (iii) Will impact the marketability and property values of surrounding property;
  - (iv) Will impact the site's environment and natural resources;
  - (v) Has public benefit that outweighs public or private detriment;
  - (vi) Is compatible with adjacent development; and
  - (vii) Is a suitable use for the proposed site.
- (6)** In granting a conditional use permit for a medical or hazardous waste transfer facility, the City may establish reasonable conditions including, but not limited to:
- (i) Containment safeguards to prevent contamination of surface or groundwaters;
  - (ii) Buffering, screening and berming to ensure that operations or activities on-site are adequately screened from off-site locations;
  - (iii) Noise levels at the property line shall not exceed the guidelines for community noise published in the American National Standard ANSI 53.23-1980, entitled "Sound Level Descriptions for Determination of Compatible Land Use," [Section 25-12-103, C.R.S.];
  - (iv) Seismic vibrations, if any blasting is to occur during either construction or operations, are not to exceed the standard established in U.S. Bureau of Mines Bulletin 656;
  - (v) All on-site roads, driveways, parking and loading areas shall be paved to limit fugitive dust;
  - (vi) Odors shall be controlled to the maximum extent practicable using the best available technology;
  - (vii) Access to the site shall not use residential streets;
  - (viii) Fiscal assurances in a specified amount, in a form mutually acceptable to the operator and the City, to guarantee the operator's performance during the operation, closure and post-closure period, and to provide financial assurance with respect to any third party claimants for personal injury or property damage by persons residing or owning property within a specified distance from the facility, which damage can be shown to be a direct consequence of facility operations;

- (ix) Limitation of the hours of operation;
  - (x) A surface water drainage system to provide runoff and erosion control that can accommodate a 100-year, 24-hour storm and that any surface drainage which does come in contact with waste handled outside of sealed DOT approved containers is directed to an independent collection system;
  - (xi) Periodic monitoring of operations and stormwater runoff from the site. The facility operator shall reimburse the local government for their costs related to inspection, monitoring and other administration of facility operations;
  - (xii) Limitation of the types of waste which can be received at the site and standards ensuring that personnel are properly trained to handle wastes accepted at the site;
  - (xiii) A franchise fee calculated to pay the City for the costs to review, monitor and enforce the permit;
  - (xiv) To the extent that any technical environmental issues are raised, the operator, as part of the review process and prior to approval, shall reimburse the City for the cost of engaging the services of an independent expert to study and provide an opinion concerning the issues;
  - (xv) The operator shall allow the City and its designees to inspect the site during hours of operation without prior notice, to ensure that the facility is being operated in accordance with applicable conditions of approval;
  - (xvi) Reimbursement to the City for the cost of special training, equipment and labor required for response to medical, fire and other emergencies;
  - (xvii) A yearly performance report for the facility. This report shall be presented to the Planning Commission annually and shall include, but not be limited to, the following:
    - (A) Volume and chemical classification of the substances received.
    - (B) Volume and chemical classification of the substances shipped from the site.
    - (C) Accidents;
    - (D) Location, type and cause of the accident;
    - (E) Number and type of spills on and off site;
    - (F) Fires - type and location; and
    - (G) List corrective measures taken by the operator of the facility to prevent future occurrences.
    - (H) Site testing data.
    - (I) Number and type of violations found by E.P.A. or State inspectors.
    - (J) Street and traffic safety improvements.
- (7) The Planning Commission shall set an expiration date on the conditional use permit approval.
- (k) Mineral Extraction, Washing, Crushing, Cement Batch Plants and Asphalt Plants**
- (1) Purpose**
- The purpose of this Section is to establish reasonable and uniform limitations, safeguards and controls to wisely utilize natural resources and to reclaim mined land.
- (i) Gravel extraction and/or processing activities should occur on parcels of sufficient size so that extraction and reclamation can be undertaken while still protecting the health, safety and welfare of the citizens.
  - (ii) Where gravel extraction and/or processing is adjacent to zoning or land uses other than I-1 or I-2, mining, handling and batch processing activities may be restricted, buffering may be required and/or disturbance/reclamation may be accelerated to be compatible with the adjacent zone or use.
- (2) Procedure**
- (i) Commercial extraction of mineral deposits shall not begin or occur until an excavation and land reclamation plan have been approved in writing by the Colorado Mined Land Reclamation Board.
  - (ii) A plan approved as part of a CUP and/or a reclamation/development schedule being followed under previous regulations fulfills this requirement.
  - (iii) Asphalt, cement and/or other batch plant operations shall be subject to CUP requirements.
  - (iv) A plan for a use under this Section shall contain, in addition to those relevant requirements outlined for a CUP, the following:
    - (A) Detailed description of the method of extraction and reclamation to be employed, including any necessary accessory uses such as, but not limited to, crushers, batch plants and asphalt plants;

- (B) An extraction plan showing the areas to be mined, location of stockpile area, location of structures, general location of processing equipment, with accompanying time schedules, fencing if applicable, depth of deposit, tons in the deposit and other pertinent information;
- (C) A detailed reclamation plan showing proposed reclamation with time schedules including, but not limited to, finish contours, grading, sloping, placement, and amount and type of revegetation, post-extraction land use plans and any other relevant information;
- (D) Topography of the area with contour lines of sufficient detail to portray the direction and rate of slope of the land covered in the application;
- (E) Type, character, and density of proposed vegetation both during excavation and as a component of rehabilitation;
- (F) The operator's estimated cost at each of the following segments of the reclamation process, including where applicable, backfilling, grading, reestablishing topsoil, planting, revegetation management, irrigation, protection of plants and soil prior to vegetation establishment and administrative cost;
- (G) A drainage plan and report prepared by a Colorado registered professional engineer with consideration of natural drainage, drainage during excavation and drainage after reclamation such that the proposed reclamation and excavation will have no adverse effect in excess of natural conditions. Where applicable, the Director may require a floodplain permit (see Section 21.07.010, Flood Damage Prevention Regulation).
- (H) Traffic analysis, which reviews road capacity and safety conditions/considerations for and within the neighborhood, as that term may be defined and applied by the Director. The Director may reduce or enlarge the neighborhood to be analyzed upon a finding of a hazard or hazardous condition. The traffic analysis shall generally conform to and address TEDS standards and shall include but not be limited to ingress/egress, parking and loading, on site circulation, number of trucks per day and the capacity of roads, streets, bridges, intersections etc.
- (I) An erosion control plan for runoff and wind-blown sediments shall be provided for the mining operation and the reclamation;
- (J) Additional information that is required because of unique site features or characteristics may be required by the Public Works and Planning Department; and
- (K) Upon approval, the excavation and reclamation plans shall be filed with the City and recorded with the Mesa County Clerk and Recorder. Any change in excavation or reclamation plan shall be prohibited unless amended through the conditional use permit process.

**(3) Standards**

- (i) Mineral extraction, washing, crushing, cement & asphalt batch planting and other mined products related uses shall be subject to an approved excavation permit, well permit, air pollution permit, reclamation plan and any and all other permits, certifications or requirements of the state or federal agencies having jurisdiction as required;
- (ii) Excavation or deposit of overburden is not permitted within 30 feet of an abutting parcel, an easement, an irrigation ditch or canal or right-of-way unless by written agreement of the owner of such property, easement, irrigation ditch, canal or right-of-way;
- (iii) Excavation within 125 feet of an existing residence is not permitted unless by written agreement of the owners and occupants of the residence. No rock crushing, asphalt/cement plant or other similar equipment or operations shall take place any closer than 250 feet of a residence. The Planning Commission may require a greater distance if the operation is abutting a residential zone district. Excavation, loading, handling, processing and batch operations adjacent to residentially zoned parcels shall not exceed 65 decibels at the property line of any adjacent parcel;
- (iv) At a minimum, 100 feet greenbelt setback shall be provided from jurisdictional wetlands or navigable watercourses as the same are defined by the US Army Corps of Engineers (USACE). The Director upon recommendation and consent of the USACE may vary this standard;
- (v) Existing trees and vegetation shall, to the extent practicable, be preserved and maintained in the required setback to protect against and reduce noise, dust and erosion. The Director may require vegetative screening and/or buffering in accordance with this Code in order to minimize the impact to dissimilar adjacent uses or zoning districts;
- (vi) The owner or operator shall submit a traffic analysis;

- (vii) The Director of Public Works may place restrictions on right-of-way use after review of the traffic analysis. Restrictions may include but are not limited to the owner or operator being responsible for the extraordinary upgrade and maintenance of the designated haul route;
- (viii) Streets, bridges and highways designated as haul route shall be maintained by the owner/operator in a reasonably clean condition. This may include, depending on local conditions, watering, oiling, or sweeping as determined by the Director;
- (ix) Hours of operation shall be restricted to 6:00 AM to 6:00 PM. The Director may authorize different hours, however, the Director may also restrict as part of the CUP the hours of operation near residential or urbanized areas;
- (x) In no event shall a slope of steeper than 2:1 be left for dry pits. A pit with a slope of 3:1 or steeper shall not exceed a depth of ten feet. The floor of excavation pits, whether wet or dry, shall be left in a suitable condition;
- (xi) The owner/operator shall not excavate, store overburden or mined material or dike the property in such a manner as to increase any drainage or flooding on property not owned by the operator or damage public facilities and/or property;
- (xii) Prior to starting operation, where the operation is adjacent to subdivided and/or developed commercial or residential property, the Director may require buffering and/or screening. Required fencing, screening and/or buffering shall not be removed until reclamation has been completed;
- (xiii) After mining has been completed, the site shall not be used to stockpile sand and/or gravel except in I-1 and I-2 with a CUP. In any event the owner/operator is to reclaim the site as rapidly as possible;
- (xiv) Operations shall comply with the noise, vibration and other applicable standards and requirements of this Code and, if not in conflict those of the Grand Junction Code of Ordinances (GJCO). If there are conflicting or competing provisions in this Code and the GJCO the most stringent shall apply;
- (xv) All air emissions shall comply with standards established by the Mesa County Health Department, State Health Department and Colorado Air Quality Control Commission;
- (xvi) All water use and/or discharge shall conform to standards established by law and administered by the Environmental Protection Agency (EPA), the Colorado Department of Public Health and Environment (CDHPE), the City of Grand Junction and the Mesa County Health Department;
- (xvii) All slopes shall be stabilized. Land remaining at the natural water level must be revegetated in a manner compatible in type as/with the immediately prevailing area. Revegetation plans are required and shall minimally meet the standards of the Colorado Mine Land Reclamation Board;
- (xviii) All disturbed areas shall be revegetated in accordance with the vegetation plan;
- (xix) Following initial revegetation efforts, the revegetated area shall be maintained for a period of three (3) years or until all vegetation is firmly established in the reclamation area;
- (xx) A timetable for reclamation shall be placed on each project. Time lines, including but not limited to milestones, if any, shall be dependent upon the type and size of reclamation effort;
- (xxi) Proof of a reclamation bond shall be submitted, along with the required reclamation plan;
- (xxii) A development schedule shall be submitted describing the life span of the project in years (ranges are acceptable) and, if applicable, the years per phase;
- (xxiii) If the development schedule is not met the conditional use permit:
  - (A) May be revoked;
  - (B) The Director may grant a two year extension per request;
  - (C) The Planning Commission shall have the power, after hearing, to revoke any conditional use permit for any violation;
  - (D) Upon at least ten days written notice to the owner, the Planning Commission may hold a hearing to determine the nature and extent of the alleged violation, and shall have the power, upon showing of good cause, to revoke the permit and the plan and to require reclamation of the land;
  - (E) If not extended or revoked, a new application and extraction plan will need to be submitted and reviewed in the manner described in this section;
  - (F) An extension request shall provide information in writing detailing the reasons for the request. The Director shall consider the stated reasons, as well as the extent conditions have changed in the area, if any, before granting an extension;



- (G) If a written request to extend the development schedule is submitted to the Director it shall include but not necessarily be limited to the factors and reasons for the requested extension. New conditions may be imposed as a part of the granting of an extension. New conditions, if any, may be appealed to the Planning Commission to be considered at a public hearing;
  - (H) The Director may forward any extension request to the Planning Commission;
  - (I) Extension requests will be evaluated by the Director and/or Planning Commission on the same basis and with the same information as per the conditional use permit process;
- (xxiv) If the use has not operated or if no material has been extracted in accordance with the development schedule or any extension thereof, the conditional use permit shall expire;
- (xxv) Signage for public safety is required; and
- (xxvi) Fencing around the perimeter of the property is required.
- (I) Superstore/Big Box Development/Shopping Center**
- (1) The following standards and guidelines are applicable to any retail commercial structure in excess of 50,000 square feet or any retail center in which any one structure exceeds 50,000 square feet (hereinafter Big Box).
  - (2) Big Box shall provide outdoor spaces and amenities to link structures with the community. Bus stops, drop-off/pick-up points, as well as pedestrian circulation routes shall be integrated with traffic patterns on the site. Special design features enhance the building's function with its relationship to the community.
    - (i) Big Box shall provide at least two of the following design features:
      - (A) Patio/seating area;
      - (B) Pedestrian plaza with benches;
      - (C) Window display area (covering at least 75 percent of the length of one facade or 50 percent of length of two facades);
      - (D) Outdoor playground area;
      - (E) Kiosk area;
      - (F) Water feature;
      - (G) Clock tower;
      - (H) Public art; or
      - (I) Other features approved by the Planning Commission.
    - (ii) Each Big Box shall provide an off-street bus stop for customers and employees when located on an established or planned bus route.
    - (iii) Each of these features shall be constructed of material that are compatible with the principal structure and be linked by pedestrian connections as required by this Code.
  - (3) Pedestrian accessibility from a Big Box to the neighborhood is key; traffic impacts are reduced and the Big Box projects a friendlier, more inviting image. This Section sets forth standards for public sidewalks and internal pedestrian circulation systems that can provide user-friendly pedestrian access as well as pedestrian safety, shelter and convenience within the center grounds.
    - (i) Continuous internal pedestrian walkways, no less than eight feet in width, shall be provided from the public sidewalk or right-of-way to the principal customer entrance of the principal structure. At a minimum, walkways shall connect pedestrians to transit stops, street crossings, building and store entries and shall feature adjoining landscaped areas that include trees, shrubs, benches, flower beds, ground covers or other materials for no less than 50 percent of its length.
    - (ii) Sidewalks, no less than eight feet in width, shall be provided along the full length of the building along any facade featuring a customer entrance and along any facade abutting public parking.
    - (iii) Sidewalks shall be located an average of six feet from the facade of the building to provide planting beds for foundation landscaping, except where features such as arcades, display windows or entryways are part of the facade.
    - (iv) Walkways within 30 feet of at least half of the customer entrances shall have weather protection features such as awnings or arcades.
    - (v) Pedestrian walkways in public parking areas shall be distinguished from driving surfaces by the use of durable, low maintenance surface materials such as pavers, bricks or patterned concrete. Such walkways enhance pedestrian safety and comfort, as well as the attractiveness of the walkways.

- (4)** Parking areas should provide safe, convenient and efficient access. Parking shall be distributed to shorten the distance to buildings and public sidewalks and to reduce pavement. Where possible, no more than 75 percent of the off-street parking for the entire property shall be located between the front facade of the principal structure and the primary abutting street ("Front Parking Area"). The Front Parking Area shall be determined by drawing a line from the front corners of the building to the nearest property corners. If any such line, when connected to the plane of the front façade of the building, creates an angle that is greater than 180 degrees, then the line shall be adjusted to create an angle of 180 degrees when connected to the plane of the front façade of the building. If any such line, when connected to the plane of the front façade of the building, creates an angle that is less than 90 degrees, then the line shall be adjusted to create an angle of 90 degrees when connected to the plane of the front façade of the building. Parking spaces in the Front Parking Area shall be counted to include all parking spaces within the boundaries of the Front Parking Area, including
- (i)** All partial parking spaces if the part inside the Front Parking Area boundary lines constitutes more than one-half of said parking space, and
  - (ii)** All parking spaces associated with any pad sites located within the Front Parking Area boundaries.
- (5)** Where practicable buildings shall be located closer to street so that the scale of the building appears to be reduced, pedestrian traffic is encouraged and architectural detail are more apparent.
- (6)** Outdoor storage, loading and operations areas shall be attractively screened from adjacent parcels and streets.
- (i)** Outdoor storage, trash collection and/or compaction, loading or other such uses shall be located in the rear of the lot;
  - (ii)** If because of lot configuration the Director determines that such placement is not feasible, then the side yard may be used, but in no case shall such area be located within 20 feet of any public street, public sidewalk or on-site pedestrian way;
  - (iii)** Outdoor storage, HVAC equipment, trash collection, trash compaction and other service functions shall be incorporated into the overall site design. Views of these areas shall be screened from visibility from all property lines and separated from sidewalks and on-site pedestrian ways. Screening structures shall be made of the same materials as the principal structure;
  - (iv)** Nonenclosed areas for the storage and sale of seasonal merchandise shall be permanently defined and screened with walls and/or fences. Fences must comply with Section 21.04.040(i), any design guidelines and other conditions of approval. Materials, colors and design of screening walls and/or fences shall conform to those used as in the principal structure. If such areas are to be covered, then the covering shall conform to the colors on the building. Outdoor display and storage shall not encroach on any portion of a walkway, drive aisles or required parking spaces.
  - (v)** Portable outdoor display shall be allowed and shall be placed so that a minimum of eight feet of sidewalk remains open at all times in the display area. Display shall not be placed in the drive aisles or required parking spaces.
  - (vi)** No delivery, loading, trash removal or compaction, or other such operations shall be permitted between the hours of 10:00 PM to 7:00 AM unless the applicant submits proof that sound barriers between all areas for such operations effectively reduce noise emissions to a level of 45 decibels, as measured at the lot line of any abutting property.
  - (vii)** One outdoor vendor shall be allowed for each tenant over 50,000 square feet. The area established for the vendor shall be identified on the site plan.
  - (viii)** Any special event occurring in any outdoor area, including pedestrian ways and parking lots, shall comply with Section 21.02.070, Administrative Development Permits.
- (7)** The following standards shall apply to all building facades and exterior walls that are visible from adjacent public streets and/or parcels. These standards are intended to reduce the massive scale of large buildings, which, without application of these standards, may be incompatible with Grand Junction's desired character.
- (i)** Facades greater than 150 feet in length, measured horizontally, shall incorporate wall plane projections or recesses having a depth of at least three percent of the length of the facade and extending at least 20 percent of the length of the facade. No uninterrupted length of any facade shall exceed 150 horizontal feet.
  - (ii)** Ground floor facades that face public streets shall have display windows, entry areas, awnings, or other such features along no less than 60 percent of their horizontal length. If the facade of the building facing the street is not the front, it shall provide the same features and/or landscaping in scale with the facade.
- (8)** Buildings should have visually interesting architectural features and patterns that are designed to reduce mass and scale and reflect local character.



- (9) The following, in regard to trim, graphics or paint should be integral and not superficially applied: color and material change, texture change and relief such as offsets, projections and reveals.
- (10) Variation in roof lines/roof materials, in order to add interest to and reduce the massive scale of large buildings is required. Roofs shall have no less than two of the following features:
- (i) Parapets concealing flat roofs and rooftop equipment, such as HVAC units from public view. Parapets shall not exceed one-third of the height of the supporting wall and shall not be of a constant height for a distance of greater than 150 feet;
  - (ii) Overhanging eaves, extending no less than three feet past the supporting walls, for no less than 30 percent of the building perimeter;
  - (iii) Sloping roofs that do not exceed an average slope greater than or equal to one foot of vertical rise for every three feet of horizontal run and less than or equal to one foot of vertical rise for every one foot of horizontal run; and
  - (iv) Three or more roof slope planes.
- (11) The following standards are intended to ensure that large structures are consistent with community values.
- (i) Predominant exterior building materials shall be high quality material. These include, without limitation:
    - (A) Brick;
    - (B) Other native stone;
    - (C) Tinted, textured, concrete masonry units;
    - (D) Wood; and
    - (E) Sandstone
  - (ii) Facade colors shall be non-specular, neutral or earth tone colors. The Director shall prohibit the use of high intensity, metallic, black or fluorescent color.
  - (iii) Building trim and accent areas may feature brighter colors, including primary colors.
  - (iv) Predominant exterior building materials shall not include the following:
    - (A) Smooth-faced concrete block;
    - (B) Smooth-faced tilt-up concrete panels; or
    - (C) Prefabricated steel panels.
- (12) Big Boxes, where possible, shall provide multiple entrances  
Multiple entrances reduce walking distances from cars, facilitate pedestrian and bicycle access from public sidewalks and provide convenience where certain entrances offer access to individual stores or identified departments of a store. Multiple entrances also mitigate the effect of unbroken walls and neglected areas that often characterize building facades that face other properties.
- (13) Entryway design elements and variations should give orientation and aesthetically pleasing character to the building. The following standards identify desirable entryway design features. Each principal building on a site shall have clearly defined, highly visible customer entrances featuring no less than three of the following:
- (i) Canopies or porticos;
  - (ii) Overhangs;
  - (iii) Recesses/projections;
  - (iv) Arcades;
  - (v) Raised corniced parapets over the door;
  - (vi) Peaked roof forms;
  - (vii) Arches;
  - (viii) Outdoor patios;
  - (ix) Display windows;
  - (x) Architectural details such as tile work and moldings which are integrated into the building structure and design; and
  - (xi) Integral planters or wing walls that incorporate landscaped areas and/or places for sitting.
- (14) To the greatest extent possible, mechanical appurtenances shall be located within the structure. External mechanical appurtenances such as heating and air conditioning equipment shall be screened and finished to match the colors and materials of the building.

- (15) All buildings and enclosures shall be designed to be compatible with the primary structure. Compatibility shall be measured in terms of design, form, use of materials, and color.
- (16) All applications for any Superstore/Big Box Development/Shopping Center development shall submit, as part of their site plan review, a complete sign package consistent with the latest edition of the SSID manual.

**(m) Manufactured Home**

- (1) The following regulations apply to the construction or placement of a single family home, manufactured home or modular home (dwelling) on a lot.
- (2) No mobile home may be used as dwelling in the City except in an established mobile home park.
- (3) Every dwelling with the exception of mobile or manufactured homes placed in mobile home parks, shall be placed or erected on a foundation which shall comply with the following minimum specifications and requirements of the National Conference of States on Building Codes and Standards, Inc. A225.1 Manufactured Home Installations 1987 (ANSI A225.1-1987) or as amended. Neither the Director of Public Works, as the Chief Building Official for the City, nor his designee nor any employee, officer or agent of the City, shall be liable for any direct, consequential or other damages to any person or property by the preparation, adoption and enforcement of minimum foundation specifications.
  - (i) The foundation for a manufactured home shall comply with the alternatives identified in Table 2-2, Alternative Manufactured Home Foundation Systems (Single or Multisection Homes), in ANSI A225.1-1987 or as amended for Concrete Slab or Continuous Foot Foundations and the referenced Figures C-5, C-6, C-9, C-10, C-16 and accompanying section details. The alternate piers-ground anchor foundation, concrete or concrete block load bearing perimeter, pile/post or permanent wood foundations shall not be allowed.
  - (ii) The requirement for all dwellings to be placed on a permanent foundation shall apply to all dwellings constructed or placed after the effective date of this Code.
  - (iii) Any nonconforming conventional, manufactured or mobile home use may be continued subject to the provisions of Chapter 21.08.
  - (iv) The foundation system alternatives identified in ANSI A225.1-1987, approved April 26, 1989 or as amended, for manufactured residential units may be modified to allow the following:
    - (A) On permanent wood foundation systems, the footer may be a depth of six inches and a width of 12 inches as opposed to the ten inches depth and 18 inches depth illustrated in the standard; and
    - (B) The anchor system may include any other system approved by the Chief Building Official for the City.
- (4) Where local, State or Federal standards conflict with these minimum standards for manufactured home foundations, the most restrictive of any regulation shall apply.

**(n) Multifamily Development**

- (1) To the extent practicable, as determined by the Director, multifamily dwellings shall be developed in small clusters in order to create a sense of place.
- (2) Development with more than ten units shall dedicate ten percent of the gross acreage of the property or the equivalent of ten percent of the value of the property in accordance with Section 21.06.020.b.
- (3) The minimum dimension of any courtyard between dwellings from which either dwelling may be entered should be a minimum of the average of the heights of the dwelling adjacent to the yard (a yard is considered between two structures if the angle between the building lines of the structures is less than 90 degrees).
- (4) Storage for things such as tools, bicycles, ski equipment, etc. shall be incorporated into a multifamily development. Storage should be designed as an integral part of the development and be integrated with the architectural character of the dwellings. Storage facilities being incorporated into garages, carports and screening walls using materials and details similar to those of the dwellings is encouraged.
- (5) The following design elements shall be considered and as appropriate, the Director may require that the developer address any or all of the same for any multifamily development:
  - (i) The residential scale and character of a development should be the foremost design concern;
  - (ii) In projects of more than five dwellings, the identity of the individual unit should be evident in the street elevation;
  - (iii) In conversion of an existing structure, an addition should respect the architectural character, detailing, lines and proportions of the existing structure. Additions should be integrated into the existing structure so that it is difficult to identify and it appears to have been a part of the original design of the structure;
  - (iv) Elevations which have different but compatible features for adjacent units should be considered;

- (v) The use of balconies, overhangs, covered patios, and trellis provide relief and contrast to the building and assist in breaking-up large wall surfaces;
  - (vi) When building elements, such as decks, chimneys, etc are repeated some alterations to details of those elements such as varying orientation, etc. should be used within the context of the overall design to provide interest and avoid monotonous repetition;
  - (vii) Mass of the building should be reduced by varying setbacks and building heights of individual units;
  - (viii) Entries and stairwells should be an integral part of the building design. Consideration should be given to partially screening stairwells or using unique architectural treatments so that such features blend in with the overall building elevation.
  - (ix) Dwellings and other structures, such as carports, garages and storage units, should be designed in concert with each other by carrying certain details and design elements throughout the project;
  - (x) Long rooflines should be varied providing different heights or varying roof orientations. Parapet walls should be interrupted by setbacks or varying heights to provide variety to the roof line;
  - (xi) The architectural detailing and treatment of windows and doorways should be strongly considered through the use of bay windows, recessed windows, raised borders, awnings, shutters or trellis. Use of clerestory windows is encouraged where appropriate;
  - (xii) The individuality and privacy of dwellings should be emphasized through the use of identifiable private or semiprivate entries;
  - (xiii) Catwalks or long corridors lined with entrances to units is strongly discouraged; patio walls and fences should be an integral part of building design and should match the principal structure materials;
  - (xiv) Mechanical equipment should be screened from public view and be located so as to be perceived as an integral part of the buildings; and
  - (xv) Exterior perimeter walls of a project facing public streets should be compatible with the landscape theme and the main building materials.
- (6) Energy conservation measures in building design such as the use of solar heating and/or use of in-line hot water systems, efficient lighting, insulation etc. are strongly encouraged. Orientation and the use of appropriate landscape planting should optimize solar access in the winter while offering shade in the summer.
- (7) The relationship between a multifamily project and adjacent uses should take into account the type of adjacent uses, building scale, density and building heights. Particular sensitivity should be used when a multifamily project is proposed adjacent to residential uses of lesser density.
- (8) To minimize the impact of the multifamily development the Director shall have the authority to mitigate impacts through the imposition of one or more of the following conditions:
- (i) Additional landscaping to serve as buffer area;
  - (ii) Wider setbacks from property line;
  - (iii) Modifying the orientation of buildings;
  - (iv) Modifying the orientation of windows and balconies;
  - (v) Providing screen walls;
  - (vi) Relocation of access ways;
  - (vii) Require that active recreation facilities be located to minimize the intrusion of noise into an adjacent residential area or require a method for mitigating noise from the recreation area; and
  - (viii) Require that multifamily buildings be oriented to take advantage of pleasant off-site views and/or constructed to minimize or screen poor or obtrusive views. Views from elevated use areas such as balconies should be given careful consideration.
- (o) **Religious Assemblies/Churches in Residential Districts**
- (1) This Section sets minimum standards for new construction and expansion of, or changes to, existing churches/church uses.
  - (2) These requirements shall be applied no later than at the time of the site plan review.
    - (i) Maximum seating capacity shall be based upon the seating capacity in the largest assembly area of the principal structure.

- (ii) Calculation of maximum seating capacity shall include the rostrum, choir seats, fixed seating and overflow seating area. Seating capacity assumes one person per chair or other type of seat or one person per 18 linear inches of pew space.
  - (iii) Churches with a maximum seating capacity of up to 300 and churches with a maximum seating capacity of 301 to 600 which are located on a parcel or lot abutting a principal or minor arterial or collector street, as identified on the City's Streets Classification Map, are allowed uses in all residential zones.
  - (iv) Churches with a maximum seating capacity of 301 to 600 require public notice if not located on a parcel or lot abutting a principal or minor arterial or collector street, as identified on the City's Grand Valley Circulation Plan.
  - (v) Churches with a maximum seating capacity greater than 600 require a public notice in all residential zones.
  - (vi) Notwithstanding (iii) through (v) above, churches in planned development districts must comply with the provisions of Chapter 21.05, planned developments and any and all requirements of general applicability as specified in this Code.
  - (vii) Notwithstanding (iii) through (vi) above, churches in airport critical zones or clear zones must comply with Chapter 21.07, land use regulation for land around airports and any and all requirements of general applicability as specified in this Code.
  - (viii) Churches in all residential districts shall comply with the following development standards:
    - (A) Parking shall not be allowed in the required front yard setback;
    - (B) The front yard setback shall be landscaped in accordance with Section 21.06.040.d. The front yard setback shall be counted towards the percentage of gross land area to be landscaped in multifamily zones;
    - (C) A minimum 15 foot side yard setback, or as required in the zone, whichever is greater, shall be required for the principal structure. A minimum five foot side yard setback, or as required in the zone, whichever is greater, shall be required for accessory structure on the rear half of the parcel;
    - (D) Where parking lots containing fewer than 51 spaces extend into required side and rear yard setbacks abutting a residential use or zone, a minimum 5 foot wide landscaped area shall be provided along the property line or other appropriate location to minimize glare from lights associated with parking areas onto abutting properties;
    - (E) At least one tree for each 40 linear feet or fraction thereof;
    - (F) At least 40 percent of the landscaped area shall contain shrubs in accordance with the general landscaping requirements;
    - (G) Parking lots shall comply with 21.06.040(c).
    - (H) Required side and rear yard setbacks adjacent to a property line abutting a residential use or zone shall be landscaped in accordance with Section 21.06.040.
    - (I) All trash containers shall be screened by a six feet high sight obscuring fence or wall. Fences must comply with Section 21.04.040(i), any design guidelines and other conditions of approval; and
    - (J) Churches shall comply with all other applicable requirements of this Code, the Code of Ordinances and any and all other regulations that may apply.
- (p) Group Living Facility**
- (1) Other Residential Density**  
Density of group living facilities shall be calculated as four beds equal one dwelling unit. Group living facilities are meant to fit into a neighborhood with the same characteristics and requirements.
  - (2) Group Living Facility**
    - (i) A Group Living Facility is a residential facility or use as defined by this Code that functions as a housekeeping unit comprised of unrelated persons receiving public or private supervision, care or treatment. Registration and compliance with other terms and conditions, as defined and described by this Code are required. A separate City license is not required.
      - (A) An unlimited group living facility is a group living facility shared by or the residence of 17 or more unrelated persons, exclusive of staff.
      - (B) A large group living facility is a group living facility shared by or the residence of more than eight but fewer than 17 unrelated persons, exclusive of staff.

- (C) A small group living facility is a group living facility shared by or the residence of more than four but up to eight unrelated persons, exclusive of staff.
- (ii) For the purpose of this Section only, the following definitions shall apply:
  - (A) Facility. A single facility is a lot, parcel or tract of land, together with the structures located thereon.
  - (B) Use. The purpose, mission or activity for which land or buildings are designed, arranged or buildings are occupied or maintained. The group home use is specific to an organization and mission of the group home. A change in the organization and /or mission at a specific location constitutes a new group living facility.
  - (C) Structure/Building. Structure/building shall be defined in Chapter 21.10.
  - (D) Related. Related means a person's: child, stepchild, foster child that is being adopted by a foster family, or other descendant, spouse, aunt, uncle, niece, nephew, parent, grandparent, great grandparent, or stepparent. (See Chapter 21.10, Group Living Facility, Family and Household.)
- (iii) Group living facilities as defined by this Code may or may not be licensed by the State. A facility, which is licensed by the state, regardless of category or size is a group living facility and is required to register with the City.
- (iv) A use which does not fit within the definition of a group living facility, is not allowed within a residential district. It is a violation of this Code for four or more unrelated persons to reside together in a structure if a use or service the same as or similar to those described below occurs therein unless permitted by the City as a group living facility.
- (3) Accessory uses authorized with a group living facility are indoor and on-site recreational facilities and parking of vehicles for occupants and staff. The Director may approve other accessory uses that will have substantially the same impacts; if disapproved, the Director or the applicant may refer such matters to the Planning Commission.
- (4) Examples of uses that are appropriate as group living facilities, if properly permitted, are listed below. See 21.04.010 Use Table. If the Director determines that a use is not appropriate or compatible with the neighborhood, even if it is described below, he may refer the question to the Planning Commission. A Community Corrections Facility, as defined by this Code is not a group living facility, and thus, shall not exist in a residential zone.
  - (i) "Adult Day Treatment Facility" is a facility for the care of adults who require nursing or physician assistance and/or supervision during the day by licensed caregivers and staff, where the adult resides at the facility.
  - (ii) "Adult Foster Home" or "Family Foster Home" is a residence for the care of persons who are unable to live alone in safety.
  - (iii) "Alternate Care Facility" is defined in Section 26-4-603(3), C.R.S.
  - (iv) "Assisted Living Facility" is a: a) structured, supportive social living environment based on professionally designed and supervised treatment plan, oriented to the individual's habilitation or rehabilitation needs; or b) a supervised living environment that provides support, training or assistance with individual activities of daily living.
  - (v) "Community Residential Home" is defined in Section 27-10.5-102(4), C.R.S.
  - (vi) "Family Child Care Home" is defined in Section 26-6-102(4), C.R.S.
  - (vii) "Foster Care Home" is defined as a facility that is certified by the county department of human services or a child placement agency for child care in a place of residence of a family or person for the purpose of providing 24 hour family care for more than four children under the age of 18 years who are not related to the head of such home.
  - (viii) "Group Home for Persons with Mental Illness" is defined in Section 30-28-115(2)(b.5), C.R.S.
  - (ix) "Group Home for the Developmentally Disabled" is defined in Section 30-28-115(2)(a), C.R.S.
  - (x) "Halfway Home" or "Halfway House" is a facility licensed by the State in which residents are provided supervision, counseling, training, or treatment of residents to facilitate their transition from a correctional institution to independent living.
  - (xi) "Homeless Shelter" is a structure or portion thereof in which sleeping accommodations are provided for the homeless. A homeless shelter that provides accommodations for more than six months in one year for any one person shall comply with the group living facility regulations of this Code and any and all other applicable regulations. A shelter which provides accommodations for less than six months shall be considered "lodging" and shall be zoned as such.
  - (xii) "Institutions providing life care" as "life care" is defined in Section 12-13-101(5), C.R.S.
  - (xiii) "Nursing Facility" is defined in Section 26-4-103(11), C.R.S.
  - (xiv) "Nursing Home" is a health care facility, other than a hospital, constructed, licensed and operated to provide patient living accommodations, 24 hour staff availability and a selection of patient care services, under the

- direction and supervision of a registered nurse, ranging from continuous medical, skilled nursing, psychological or other professional therapies to intermittent health-related or paraprofessional personal care services.
- (xv) "Resident Health Care Facility" means a facility licensed by the State which provides protected living arrangements for four or more persons who because of minor disabilities cannot, or choose not to, remain alone in their own home. The facility may serve the elderly, persons with minor mental or physical disabilities, or any other persons who are ambulatory or mobile and do not require continuous nursing care or services provided by another category of licensed health facility. The resident health care facility shall be considered the resident's principle place of residence.
  - (xvi) "Residential Child Care Facility" is defined in Section 26-6-102(8), C.R.S.
  - (xvii) "Residential Substance Abuse Treatment Home" means a residential facility that provides twenty-four (24) hour staff supervision and may include a peer support structure to help applicants acquire and strengthen the social and behavioral skills necessary to live independently in the community. A residential substance abuse treatment home provides supervision, counseling and therapy through a temporary living arrangement and provides specialized treatment, habilitation, or rehabilitation services for persons with alcohol, narcotic drug or chemical dependencies.
  - (xviii) "Secure Residential Treatment Center" is defined in Section 26-6-102(9), C.R.S.
  - (xix) "Staff Secure Facility" is defined in Section 19-1-103(101.5), C.R.S.
  - (xx) "Transitional Treatment Home" means a residential facility which provides twenty-four (24) hour staff supervision and a peer support structure to help residents acquire and strengthen the social and behavioral skills necessary to live independently in the community. Such programs provide specialized treatment, habilitation or rehabilitation services for persons with emotional, psychological, developmental, behavioral dysfunctions or impairments. A transitional treatment home shall not include any persons referred by the State Department of Corrections.
  - (xxi) "Transitional Victim Home" means a residential facility which provides 24 hour care and peer support to help victims of abuse or crime. A transitional victim home arranges for or provides the necessities of life and protective services to individuals or families who are experiencing a temporary dislocation or emergency which prevents them from providing these services for themselves or for their families. Treatment is not a necessary component of residential support services; however, care may be provided.
- (5) A Group Living Facility located in a commercial zone district (C-1 or C-2) is not subject to the following requirements: compatibility with architecture, use of the facility by other groups, use of the facility by nonresidents, and/or any other requirements which are specific to incompatibility with residential neighborhoods.
  - (6) No person shall own, operate or manage any group living facility unless the facility is registered with the City. Registration shall expire on the anniversary date 12 months after issuance.
    - (i) Transitional Victim Homes are subject to registration but the address of such group living facilities shall not be required to be disclosed.
    - (ii) A group living facility that is not registered may be abated, prosecuted or otherwise subject to enforcement action under this Code.
  - (7) Continuance
    - (i) All group living facilities which were in existence as such prior to January 21, 2001 may continue without regard to the provisions of this Section, with the exception of registration. Such use may continue until the occurrence of any of the following:
      - (A) Any expansion of the facility which results in an increase of the number of residents;
      - (B) Any expansion which results in a change of use, as defined by this section;
      - (C) Any expansion of common areas which does not result in more than 300 square feet per structure;
      - (D) Any expansion which results in further nonconformity under this Code;
      - (E) Any expansion due to damage or destruction of the facility, as provided in Chapter 21.08; or
      - (F) Abandonment of the group living facility use for a period of more than 12 months.
    - (ii) Any remodel which is an interior remodel and does not affect the size or the use of the facility is not an expansion which will require the facility to come into conformity under this Code.
    - (iii) If any expansion occurs as described in (i) above, the facility shall conform to all requirements of this Code and the expansion shall be subject to approval by the Planning Commission after public hearing.
  - (8) The Director shall approve the annual registration if the applicant, when registering or renewing a registration, provides proof that:



- (i) The group living facility has a valid Colorado license, if any is required;
  - (ii) The group living facility is at least 750 feet from every other group living facility;
  - (iii) The group living facility has complied with the applicable City, state and other building, fire, health and safety codes as well as all applicable requirements of the zone district in which the group living facility is to be located;
  - (iv) The architectural design of the group living facility is residential in character and generally consistent with the R-O zone district;
  - (v) Only administrative activities of the private or public organization sponsored, conducted or related to group living facilities shall be conducted at the facility;
  - (vi) The group living facility complies with the parking requirements of this Code; and
  - (vii) The maximum number of residents allowed is not exceeded.
- (9) A group living facility shall only be located or operated on a lot or parcel that contains at least 500 square feet for each person residing in the group living facility.
- (10) In a residential zone, any use which provides services for those other than current residents in a group living facility may allow additional persons up to the total number of residents permitted in that particular group living facility to use the services. For example, if there are currently eight residents at a large group living facility, no more than four nonresidents may use the services the facility provides;
- (11) If the group living facility proposes to use or convert existing multifamily residences, adequate lot area shall be provided according to the requirements of the district, the requirements of the district shall be met and the intensity of the programs or services offered shall be compatible with the neighborhood.
- (12) Within 30 days prior to making an application for registration of a new (including conversion of an existing building or buildings) group living facility, each applicant shall give mailed notice to and meet with, at a location convenient to the neighborhood: property owners within 500 feet from the proposed group living facility and those neighborhood groups which are registered with the City and which represent residents within 1,000 feet of the group living facility.
- (i) At the meeting, the applicant shall describe the facility and its proposed uses.
  - (ii) If a neighborhood meeting is required because of development application then only one neighborhood meeting, conducted in accordance with the more restrictive standard of this Code, shall be necessary.
  - (iii) Transitional victim homes, where confidentiality of the location is an integral part of the facility, shall not be required to hold a neighborhood meeting.
  - (iv) The Director may rely on any comments received by the residents of the neighborhood, or other interested persons when he makes his decision to register, deny, refer or register with conditions. The Director shall not be required to research the comment or otherwise investigate the motive of the commenting party or parties, unless the Director relies on that information when making a decision.
- (13) Group living facilities shall comply with all requirements of this Code, as well as the State licensing requirements, unless the City requirements are incompatible with State licensing requirements. In case of a conflict, the more stringent regulation shall apply.
- (14) Every group living facility for adult or juvenile offenders, defined as persons that are sent or taken to the facility because they have committed a crime or are accused of having committed a crime and the same is the reason for placement, shall be reviewed for original approval and annually when the facility applies for registration as follows:
- (i) The Mesa County Juvenile Community Corrections Board shall conduct the review, if the facility houses juvenile offenders or the Adult Community Corrections Board if the facility houses adult offenders. If the facility houses a combination of adult and juvenile offenders, the facility shall be reviewed by the juvenile board if there are a greater number of juveniles residing in the facility or by the adult board if there are a greater number of adults residing in the facility.
  - (ii) The review shall include but not necessarily be limited to criteria established by the Board and adopted by the City. Criteria shall be established and maintained by the Board and shall be based upon researched factors that have been demonstrated to be correlative to risk to the community, community expectations, prudent land use practices and legal standards. Before any criteria being used by the Board, the City shall review and adopt such criteria.
  - (iii) It is the responsibility of the group living facility that is being reviewed to provide to the Board with complete and accurate information regarding the types of offenders, the number of offenders, the average length of placements and responses to the other Board-established criteria.

- (iv) The Board shall make a recommendation to the Director to register the facility, deny registration, or register with conditions. The Board shall take into consideration the interests of the community in light of the criteria established by the Board.
- (15) The Director shall not approve an application, notwithstanding a recommendation from the Board to register or register with conditions, for a group living facility that houses one or more sex offenders, as defined by state law. The Planning Commission shall determine any such application. In addition to the other criteria, the Planning Commission shall consider whether the proposed owner/operator has established by clear and convincing evidence that any sex offender shall not directly impact the neighborhood and/or its residents. An appeal from a Planning Commission decision made under this paragraph 17 shall be in accordance with Colorado Rule of Civil Procedure 106.
- (16) Prior to the Director approving an application, the following proof must be provided:
  - (i) The group living facility has a valid Colorado license, if any is required;
  - (ii) The group living facility is at least 750 feet from every other group living facility;
  - (iii) The group living facility has complied with the applicable City, state and other building, fire, health and safety codes as well as all applicable requirements of the zone district in which the group living facility is to be located;
  - (iv) The architectural design of the group living facility is residential in character and generally consistent with the R-O zone district;
  - (v) Only administrative activities of the private or public organization sponsored, conducted or related to group living facilities shall be conducted at the facility;
  - (vi) The group living facility complies with the parking requirements of this Code; and
  - (vii) The maximum number of residents allowed is not exceeded.
- (17) At least once each 12 months, the owner or operator of each group living facility shall file a renewal application with the Director. Each such application shall describe each service or use of the facility including any changes from the prior application, including type of facility, licensure, structural changes, change of use and improvements.
  - (i) A group living facility that is not registered may be abated, prosecuted or otherwise subject to enforcement action under this Code.
  - (ii) Within 20 days after the group living facility has applied for registration or a renewal, the Director may refer the matter to the Planning Commission. The Director may make such a referral based on founded complaints, which show an adverse impact to the neighborhood, as defined by this Section; failure to register or renew registration; unsatisfactory completion of the registration requirements; lapse of any State licensing or any change to the site, service or use or any suspected or actual noncompliance with a provision or provisions of this Code.
  - (iii) Within ten days of the Director's decision, the owner or operator of a group living facility may appeal the Director's denial of an application or a condition imposed by the Director to the Zoning Board of Appeals. Appeals shall be in writing and perfected in accordance with Chapter 21.02. A denial or condition imposed by the Board of Appeals shall be final, pursuant to the Code.
- (18) For renewal to be granted the Director must determine the following:
  - (i) The public facilities and the neighborhood have not been adversely affected by the number of residents and/or any uses offered or by the aggregate number of group living facilities in the neighborhood. A facility is considered to have an adverse affect on a neighborhood if one or more of the following standards are shown:
    - (A) Public and private services such as street, sewers, water and or utility systems are burdened by the group living facility, to the extent that usage exceeds that normally associated with such a use or in the particular neighborhood;
    - (B) The group living facility interferes with the peace, quiet and dignity of the neighborhood;
    - (C) The group living facility creates, imposes, aggravates or leads to inadequate, impractical, unsafe or unhealthy conditions; or
    - (D) The group living facility is found to be dangerous or unsafe due to an increased number of police or emergency visits, instigated by neighbors or for nonmandated purposes; or the existence of a single criminal act by a resident involving serious bodily injury or extensive property damage; or an increased number of incidences of criminal acts by residents involving bodily injury or property damage.
    - (E) When considering whether an adverse impact exists, the Director shall consider the following:



- a. Whether the impact is real or perceived, based upon stereotypes of the population served by the group living facility;
  - b. The existence of alarms and/or fences, in and of itself shall not constitute a safety issue which would be an adverse impact; or
  - c. Whether complaints and/or police calls regarding the group living facility have been founded or unfounded.
- (ii) Group living uses occurring in each structure, if more than one structure exists on a single group living facility property, may be limited in size and number if the Director determines that the neighborhood is adversely impacted by multiple uses occurring in one structure.
- (iii) The following proof is provided that:
  - (A) The group living facility has a valid Colorado license, if any is required;
  - (B) The group living facility is at least 750 feet from every other group living facility;
  - (C) The group living facility has complied with the applicable City, state and other building, fire, health and safety codes as well as all applicable requirements of the zone district in which the group living facility is to be located;
  - (D) The architectural design of the group living facility is residential in character and generally consistent with the R-O zone district;
  - (E) Only administrative activities of the private or public organization sponsored, conducted or related to group living facilities shall be conducted at the facility;
  - (F) The group living facility complies with the parking requirements of this Code; and
  - (G) The maximum number of residents allowed is not exceeded.
- (19) At least 20 days in advance of any change, the owner and/or operator shall report in writing to the Director such proposed change in the site, use, scope, type, number of persons or intensity of the group living facility. A change of residents or staff of the group living facility shall not, in and of itself, require a report to the Director.
  - (i) The Director may disallow any change, refer the change to the Planning Commission or he may approve the change.
  - (ii) If the Director fails to act within 20 days, the proposed change is deemed approved; however, the owner or operator shall not implement any such change until the earlier of:
    - (A) The 20 day period has elapsed; or
    - (B) The Director's decision to disallow, allow, or refer.
- (q) **Telecommunication Facilities/Towers**
  - (1) **Purpose**  
The purpose of this Section is to regulate the placement, construction and modification of towers and/or telecommunications facilities in order to protect the health, safety and welfare of the public, while at the same time not unreasonably interfering with the development of competitive wireless telecommunications in the City.
  - (2) No telecommunications facilities and towers shall be altered, added to, installed or permitted unless the Director has approved a site plan review for the property and the facility or tower.
  - (3) **Amateur Radio**  
Radio communications, as licensed or regulated as such by the Federal Communications Commission that is less than ten feet tall measured from grade or ten feet higher than the highest point of the roof. This Chapter does not apply to amateur radio equipment.
  - (4) **Antenna**  
Any device designed and intended for transmitting or receiving television, radio, microwave signals, or other electromagnetic waves. An antenna includes all mounting and stabilizing items such as a tower, a pole, a bracket, guy wires, hardware, connection equipment and related items.
  - (5) **Colocation**  
The location of wireless communication facilities on an existing structure, tower, or building in a manner so that an additional tower, structure or facility is not required.

**(6) Satellite Dish**

An antenna, consisting of radiation element that transmit or receive radiation signals, that is supported by a structure with or without a reflective component to the radiating dish, usually circular in shape with a parabolic curve design constructed of a solid or open mesh surface and intended for transmitting or receiving television, radio, microwave signals or other electromagnetic waves to or from earth satellites.

**(7) Concealed or Stealth**

Any tower or telecommunications facility which is designed to enhance compatibility with adjacent land, buildings, structure and uses, including, but not limited to, architecturally screened roof-mounted antennas, antennas integrated into architectural elements and towers designed to not look like a tower such as light poles, power poles and trees. The term "stealth" does not necessarily exclude the use of uncamouflaged lattice, guyed or monopole tower designs.

**(8) Telecommunication Facilities**

Any cables, wires, lines, wave guides, antennas and any other equipment or facilities associated with the transmission or reception of communications which a person seeks to locate or has installed upon or near a tower or antenna support structure.

**(9) Tower**

A self-supporting lattice, guyed or monopole structure constructed from grade which supports telecommunications facilities. The term "tower" shall not include amateur radio operators' equipment, as licensed by the FCC.

**(10) No site plan shall be approved until the applicant establishes, to the satisfaction of the Director or other decision making body, that the following are satisfied:**

- (i) Towers and telecommunications facilities shall be located to minimize any visual and other adverse impact to the neighborhood, especially residential areas and land uses. If the proposed location is on leased property, proof of possession is required.
- (ii) Telecommunications facilities and towers shall be set back from all adjacent residentially zoned or used property by a minimum of 200 feet or 200 percent of the height of the proposed tower or facility, whichever is greater. Setback requirements shall be measured from the outside perimeter of the base of the tower, and every other vertical component of the telecommunication facility or tower higher than ten feet, to any portion of the other property. If notice to the affected property owner is given, the Director may reduce any such setback by up to 25 percent if such reduction will allow a tower to be located so that the visual impact on the neighborhood is reduced. For example, a setback could be reduced to allow a tower to be located next to trees in order to partially shield the tower from view.
- (iii) All telecommunication facilities and towers shall be set back a minimum of 85 feet from the property line or at a 2:1 ratio (two feet of setback for every foot of tower height from the property boundary of the facility) whichever is greater, from nonresidentially zoned or used property.
- (iv) All telecommunications facilities and towers on public utility structures, facilities or property shall be exempt from the 2:1 setback requirement if they are no taller than the existing utility structure in said location and if approved by the Director.
- (v) Monopole tower structures shall be separated from all other towers, whether monopole, self-supporting lattice or guyed, by a minimum of 750 feet.
- (vi) Self-supporting lattice or guyed towers shall be separated from all other self-supporting lattice or guyed towers by a minimum of 1,500 feet.

**(vii) Location**

Shared use/colocation of wireless communication facilities on existing structures, towers or buildings in a manner that precludes the need for the construction of a freestanding structure of its own is encouraged. To that end, an application for an integral, concealed tower or telecommunication facility may be issued by the Director. Any 911 antenna that colocates on an existing tower, structure, or building shall have the application fee waived.

**(viii) Height**

Amateur radio equipment, commercial antennas or equipment measured less than ten feet tall from grade or ten feet higher than the highest point of the roof may be approved by the Director. This shall also include

antennas that are colocated on an existing tower for which colocation was approved through the Conditional Use Permit process.

**(ix) City property and buildings**

Towers or facilities that can be constructed as an integral part or component of light standards, buildings, utility structure or other structures at City parks or other City buildings facilities are encouraged. To that end, upon the payment of an appropriate fee, and compliance with any conditions imposed, the Director and the head of the City department, which operates such property or building, may co-issue a permit therefore.

- (x)** No new tower or facility shall be permitted unless the applicant demonstrates to the satisfaction of the Director that no existing tower, structure or utility facility can be used in lieu of new construction for the applicant's use. At a minimum, such applicant shall demonstrate that:
- (A)** No existing tower, facility or utility structure is located within a distance which meets the applicant's engineering requirements;
  - (B)** No existing tower, facility or utility structure is located within a distance which meets the applicant's engineering requirements and which has sufficient structural strength or space available to support the applicant's telecommunication facility and related equipment;
  - (C)** The applicant's proposed telecommunication facility will not cause unreasonable electromagnetic or other interference with the antennas on existing towers, structures or utility structures or that such existing facilities would interfere with the applicant's uses such that colocation is not possible;
  - (D)** There is some other reasonable factor that render existing towers, facilities or utility structures unsuitable;
  - (E)** No owner of existing towers, structures or utility structures, including the City and other governments, within a distance which meets the applicant's engineering requirements, will allow the applicant to place its telecommunication facility thereon or require unreasonable payment or terms; and
  - (F)** The applicant shall submit evidence concerning structural and engineering standards prepared by a Colorado registered professional engineer. The safety of the property and the neighborhood shall be protected.
- (11)** Every tower and telecommunication facility shall meet the regulations of the Federal Communications Commission (FCC) regarding physical and electromagnetic interference.
- (12)** Every tower and telecommunication facility shall meet applicable health and safety standards for electromagnetic field (EMF) emissions as established by the FCC and/or any other federal or state agency having jurisdiction.
- (13)** Only a concealed tower or telecommunications facility, the antennas of which all are located on existing vertical structures, is allowed within 1/8 mile from the right-of-way of: Grand Avenue from 1st Street to 12th Street; any portion of Monument Road within the City; 7th Street from North Avenue to the Colorado River; and other rights of way designated by resolution of the City Council.
- (14)** Only a concealed tower or telecommunication facility is allowed within a historic zone or area as designated by the City Council by resolution.
- (15)** In addition to other requirements of this Code, each applicant for a tower or telecommunication facility shall provide the Director with an inventory of all of the applicant's existing tower and/or telecommunication, and facility or approved sites for the facilities that are either within the City or are within one mile of the then existing border of the City. This information shall include:
- (i)** A zone map specific to the application, from the City's zoning map drawn to scale, showing land uses and zoning designation of all uses within one-quarter of a mile.
  - (ii)** A computer generated visual analysis from all adjacent rights-of-way, showing the relationship of the tower/facility to the topography and other spatial relationships deemed necessary or required by the Director to assess compliance with the Code. If there are more than four such rights-of-way, the Director shall designate which rights-of-way shall be analyzed.
  - (iii)** A description of the tower/facility's capacity which declares the number and type of antennae that it can accommodate or an explanation why their facility cannot be designated to accommodate other users.
  - (iv)** An agreement retained by the City which commits the facility owner and its successors to allow shared use of the facility if an additional user agrees in writing to the reasonable terms and conditions of shared use. The applicant shall annually report to the Director: the names, addresses and telephone numbers of every inquiry for colocation; and the status of such inquiry.

- (v) The applicant shall provide evidence of mailed notice of a proposed tower or telecommunication facility to all abutting property owners within four times the distance that the tower or facility is tall, or 250 feet, whichever is greater, and to any neighborhood association that would be entitled to notice under this Code.
- (vi) Any other information as required by the Director to evaluate the request, especially technical information.
- (16) Tower or telecommunication facilities mounted on existing structures of public utilities which have a franchise or other written permission from the City and concealed towers/telecommunication facility are permitted in all nonresidential zoning districts, unless otherwise specified by this Code. The Director may approve the placement, extension or replacement of a tower or telecommunication facility on an existing public utility structure up to 50 feet above the highest point on the same. The Director may waive public notice and may waive any other submission requirement if he deems that the public interest shall not be harmed.
- (17) Towers and telecommunication facilities shall be designed and maintained: to minimize visual impact; carry gravity loads, wind loads and with safety measures as required by applicable regulations including adopted building codes; using concealment or stealth methods, such as camouflaging towers to look like light poles or trees, if at all possible; if collocated, to match the color, shape and look of the structure or facility to which they are attached; to use only non-specular materials. In order to be considered a concealed tower or telecommunication facility, the tower or telecommunication facility shall:
  - (i) Be architecturally integrated with existing buildings, structures and landscaping, including height, color, style, massing, placement, design and shape;
  - (ii) Be located to avoid a silhouette and preserve view corridors to the east and the west of the Grand Mesa and the Colorado National Monument, as determined from viewing the tower or facility from anywhere within the original square mile of the City;
  - (iii) Be located on existing vertical infrastructure such as utility poles and public building or utility structures;
  - (iv) Roof mounted antennas shall be located as far away as feasible from the edge of the building. Antennas attached to the building should be painted or otherwise treated to match the exterior of the building;
  - (v) Equipment shelters and antennas shall not extend more than ten feet from the top of the building. Any deviation from this standard shall be reviewed and approved, disapproved or approved with conditions by the Director;
  - (vi) Be located in areas where the existing topography, vegetation, buildings or other structures provide screening; and
  - (vii) The applicant/developer shall be required to structurally design the footing of the tower or antenna to support a tower or antenna which is at least 15 feet higher than that proposed by the applicant to accommodate colocations.
- (18) The property on which a telecommunication facility or tower is located shall be landscaped and screened, as follows:
  - (i) A freestanding tower or telecommunication facility shall include landscaping planted and maintained according to a landscaping plan approved by the Director in accordance with the applicable landscaping requirements of the zoning district where the tower or facility is located. Landscaping may be waived or varied by the Planning Commission where the Commission determines that existing site vegetation is equal to or greater than that required by the Code; and
  - (ii) A six foot high wall or fence or other suitable buffer yard shall surround a freestanding tower or telecommunication facility. Fences must comply with Section 21.04.040(i), any design guidelines and other conditions of approval. Chain link with slats shall not constitute acceptable fencing nor shall it satisfy the screening requirement.
- (19) Only lighting required by a federal agency is allowed. The location of the lighting fixture shall be such that the lights do not shine directly on any public right-of-way and that the light emitted is otherwise in compliance with this Code.
- (20) Only signage that is required by state or federal law is allowed. No advertising shall be permitted.
- (21) Each exterior tower or telecommunication facility equipment building or cabinet shall:
  - (i) Not contain more than 400 square feet of gross floor area and shall not be more than 12 feet in height; and
  - (ii) Maintain the minimum setback, landscaping and screening requirements of the zone in which it is located.
- (22) Any tower or telecommunications facilities being modified, demolished or rebuilt shall be brought into compliance with the standards adopted in this Code.
- (23) Every owner of a tower or telecommunications facility shall take special care to operate, repair and maintain all such facilities so as to prevent failures and accidents which cause damage, injuries or nuisances to the

neighborhood and public. All wires, cables, fixtures and other equipment shall be installed in compliance with the requirements of the National Electric Safety Code and all FCC, FAA, state and local regulations and in such a manner that shall not interfere with radio communications, electronic transmissions or all other electromagnetic communications or otherwise cause a safety hazard.

- (24) Each new tower or facility shall be subject to a two year review by the Director. The review shall determine whether or not the originally approved number of antenna and design are still appropriate and necessary to provide adequate communications services.
- (25) The wireless telecommunication facility owner shall remove all wireless telecommunications facilities, which are not in use for any six month period, within three months of the end of such six month abandonment. As a part of such removal, the owner shall revegetate the site so that it is compatible with the neighborhood. Abandonment shall only be determined by the City Council, after the owner has had notice and an opportunity to be heard.
- (26) No person shall construct or alter a telecommunications tower or facility without a permit therefor and without having first obtained the approval of the Director. To obtain such review, the applicant shall submit FAA Form 7460-1, Notice of Proposed Construction or Alteration. Form 7460-1 shall not be required for the following:
  - (i) An amateur radio antennae if owned and operated by a federally licensed amateur radio operator or used exclusively for a receive-only antennae;
  - (ii) Any existing tower and antennae provided a building permit was issued for a tower or antennae prior to the adoption of this code;
  - (iii) Emergency telecommunications facilities used exclusively for emergency services including, but not limited to, police, fire and operation of governmental entities; and
  - (iv) Any antennae used for FCC licensees engaged in AM, FM or television broadcasting.
- (27) Appeals of any decision shall be in accordance with 21.02.060.
- (28) The Director may require the applicant to pay for any engineer or other consultant in order that the City may adequately evaluate the application.

**(r) Transit Shelters and Benches**

- (1) A permittee shall only locate a transit shelter or bench at designated bus stops on designated bus routes.
- (2) The permittee shall remove each shelter, bench, concrete pad and any supports within 30 days after the transit stop or route is no longer designated.
- (3) The permittee shall only place a transit shelter or bench if it is anchored to a concrete pad or equivalent that is approved by the City Engineer.
- (4) The permittee shall only place or locate shelters and benches within the public right-of-way unless the City Engineer approves placement on private property. The permittee shall deliver the owner's written consent to such placement.
- (5) The permittee shall not place or locate or use any shelter or bench until the City has issued its planning clearance. The planning clearance shall not be valid unless any necessary license or revocable permit has also been issued and is valid. The planning clearance shall identify the boundaries of the shelter site.
- (6) The permittee shall comply with the Americans with Disabilities Act and the applicable regulations.
- (7) The permittee shall provide regular maintenance and cleaning of all shelters and benches in accordance with the permittee's proposed maintenance schedule, as approved by the City Engineer. At a minimum, the permittee shall clean and maintain each shelter and bench and shelter and bench site twice each calendar week. The permittee shall continuously maintain each shelter and bench site to a good and workmanlike state, including but not limited to general repair, painting, removal of graffiti, removal of trash and debris and maintenance of lawn or landscaping around the shelter and bench area. The permittee shall clean and maintain shelters and benches within 24 hours when requested by the City Engineer, Director or other City official.
- (8) The permittee shall diligently and continuously inspect, repair and replace as needed each shelter and bench so that no safety hazard exists at or on any shelter or shelter site of bench. In any event, the permittee shall remedy any such problem immediately when notified by a citizen, transit user or the City.
- (9) Before placement or construction, the permittee shall have obtained the City Engineer's approval of the permittee's proposed site plan of each transit shelter and bench site.
- (10) The permittee shall not place, locate or construct a shelter or bench within state or CDOT right-of-way without first having obtained a permit therefor from CDOT and having delivered a copy thereof to the City Engineer.

- (11) Unless the City Engineer approves otherwise in writing, the permittee shall not place any shelter or bench within five feet of any curb and/or gutter or in an area where the speed limit is 35 miles per hour or less. The City Engineer is not authorized to reduce said setback to be less than three feet from the curb and/or gutter.
- (12) Unless the City Engineer approves otherwise in writing, when there is no curb and/or gutter or the posted speed limit is greater than 35 miles per hour, the permittee shall not place a shelter or bench within ten feet of the edge of pavement or the travel portion, whichever is closer. The City Engineer is not authorized to reduce said setback to less five feet from the edge of pavement or traveled portion.
- (13) The permittee shall not place any shelter or bench in a way which impedes pedestrian, bicycle, wheelchair or motor vehicle travel. Site distance limitations also apply. No vertical or other supports for a shelter or bench shall be located closer than one foot from any portion of any sidewalk or other pedestrian way.
- (14) The permittee shall not place a bench or shelter on City property other than right-of-way without first obtaining the approval of the Director.
- (15) The permittee shall abide by and enforce the following rules:
- (i) The amount or size of the sign (i.e. advertising) on each transit shelter shall be limited to two side panels (two sign faces) on the transit shelter, each of which shall not exceed 48 inches wide and 72 inches high.
  - (ii) The advertising panels shall only be illuminated by "back lighting" using fluorescent bulbs.
  - (iii) The Director may limit the lumens of any bulbs.
  - (iv) Shelter lighting shall be operated and maintained so it does not shine at, create glare for or constitute a hazard to pedestrians, bicyclists or motorists.
  - (v) A third advertising panel may be provided along the rear of the transit shelter but only for public service messages or other public purposes as exempted in Section 21.06.070(c).
- (16) The permittee shall not place a bench or shelter with a sign or advertising on or incorporated into it except on a principal arterial; minor arterial, major collector or designated Dial-A-Ride stop, provided the adjacent property is not zoned for residential use.
- (17) For purposes of this Section, these road classifications are as approved by the City in the Grand Valley Circulation Plan.
- (18) The permittee shall not place or use a transit shelter or bench with a sign or incorporated advertising within the Main Street Shopping Park bounded by 2nd Street and 7th Street or within the North 7th Street Residential Historic District.
- (19) Transit Benches.
- (i) Normally, one bench may be allowed by the City Engineer at each designated transit stop, however, s/he may authorize a second bench if the Permittee demonstrates a need based on ridership data.
  - (ii) The permittee shall ensure that each bench is located on a concrete pad sufficient in size to accommodate the bench supports and that there are two feet of foot space along the front of the bench.
  - (iii) The permittee may orient benches towards approaching traffic at an angle not to exceed 30 degrees from parallel to the traveled portion of the right-of-way.
  - (iv) The permittee shall ensure that no transit bench is located further than 20 feet from a stop.
  - (v) The permittee shall not replace nor install any bench after the date hereof unless permittee has first obtained the written approval of the City Engineer.
  - (vi) The permittee shall ensure that each bench is constructed and maintained using a "breakaway" anchor design. The City Engineer may specify the specifications of such design for all benches.
  - (vii) The permittee shall ensure that the only sign or advertising on any bench is limited to a single face oriented to and parallel with the traveled portion of the right-of-way. The single sign face shall not exceed 12 square feet in size with a maximum height of two feet. Each bench sign shall not be illuminated nor reflective.
- (s) **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.
- (t) **Mixed Use**  
Use is only allowed as part of a mixed use development.

**(u) Produce Stand**

Produce stands are allowed in residential zone districts only for products produced on the premises provided no hazards are created with parking, ingress, egress and signage and the operation does not disrupt the peace, quiet and dignity of the neighborhood. Produce stands in non-residential zone districts may include products produced off-premise and require a Temporary Use Permit.



## 21.04.040 Accessory Uses and Structures

### (a) Accessory Structure and Accessory Use Regulations

- (1) Establish and promote neighborhoods with integrity and character;
- (2) Provide residents with the opportunity to use their property to enhance or fulfill personal objectives so long as the use of the property is not incompatible with this Code;
- (3) Provide an appropriate level of flexibility for the use of nonresidential property while maintaining compatibility; and
- (4) Assure public services, such as streets, sewers and water facilities are available in adequate supply for the primary use of the property.

### (b) Accessory Structures and Uses Permitted

- (1) Only those structures and/or uses that are clearly accessory are allowed. Accessory structures/uses shall be constructed, maintained and conducted so as not to produce noise, vibration, concussion, dust, dirt, smoke, odors, noxious gases, fly ash, heat, glare from artificial illumination or from reflection of natural light.
- (2) Accessory uses/structures and buildings shall have an appearance consistent with that of the neighborhood and shall have an appearance consistent with the character of the principal structure, building or use on the property.
- (3) In all zones, accessory structures shall not be located in the front yard or the exterior side yard of a corner lot unless approved by administrative adjustment in accordance with Section 21.02.070(l).
- (4) In residential zone districts with a density of two units per acre or higher (R-2 and above), the size of accessory structures will be limited to a maximum of 75 percent of the square footage of the principal structure. For all other residential zone districts, accessory structures will be allowed up to a maximum of 75 percent of the square footage of the principal structure or ten percent of the parcel size whichever is greater. All activities meeting the definition of Agriculture in Section 21.04.020(aa) will be exempt from these size regulations.

### (c) Accessory Structures, Buildings and Uses Appeals

The decision disallowing any accessory use may be appealed to the Board of Appeals pursuant to Section 21.02.210.

### (d) Antennas

Telecommunications receiving or transmitting antennas are permitted subject to the following performance standards:

- (1) Ground-mounted satellite dish shall not exceed ten feet in height from the grade where mounted;
- (2) Ground mounted satellite dish shall be located within the rear yard or in any side yard which does not abut a street and shall meet accessory structure setbacks;
- (3) All cables and lines serving the satellite dish shall be located underground;
- (4) Satellite dish larger than 32 inches in diameter shall only be ground-mounted and the above provisions shall apply unless otherwise approved as to location or ground mounting by a conditional use permit as provided in Section 21.02.110;
- (5) Roof mounted antenna shall not extend more than ten feet above the roof line on which mounted; and
- (6) Nothing contained herein shall relieve a person from the necessity of satisfying any and all governmental licenses or permits required for operation of telecommunications equipment.

### (e) Storage of Vehicles

Storage of recreational vehicles or commercial vehicles or trailers is governed by the following:

- (1) Recreational and commercial vehicles and trailers in residential zones shall be stored within an enclosed building, or in the rear yard, or behind the front setback line in a side yard other than the street side yard of a corner lot;
- (2) No recreational vehicle shall be used for living, sleeping or housekeeping purposes for longer than two weeks total during any 12-month period when parked in any location not zoned and approved for such use. Any use of this provision shall be limited to one recreational vehicle per lot. Persons shall not live, sleep or housekeep in a recreational vehicle parked on a public street, a public or private parking lot, or any vacant lot; and
- (3) Under no circumstances shall recreational or commercial vehicles be parked on a public street or public or private parking lot for more than 72 consecutive hours.

### (f) Accessory Dwelling Unit

Accessory dwelling units shall comply with the following standards:



- (1) One accessory dwelling unit (Unit) may be allowed in conjunction with a single-family use.
- (2) The design and location of the unit shall be clearly subordinate to the principal structure.
- (3) The unit can only be located on a lot or parcel of 3,000 square feet or more.
- (4) The unit shall not be included in the zoning or land use density calculation.
- (5) Either the principal structure or the unit shall be owner-occupied.
- (6) The unit must meet all requirements of the building and fire codes.
- (7) One off-street parking space per unit is required, in addition to the spaces otherwise required.
- (8) The unit shall share utility meters with the principal structure.
- (9) The unit shall not be more than the lesser of 700 square feet or 50 percent of the floor area of the primary residence.
- (10) The unit shall be integrated into the site by appropriate site grading, earthwork and landscaping and be harmonious with the character of the neighborhood.
- (11) The outside appearance of the principal structure shall not be changed from that of a single-family residence.
- (12) Private entrances to accessory dwelling units shall be located on the side or rear of the residence and shall not be located on the same side of the primary residence's entrance..
- (13) Accessory dwelling units shall not be located in front of the principal structure.
- (14) The design and construction material used in an accessory dwelling unit shall be complementary to the principal structure.
- (15) Minor site plan review shall be required.

**(g) Home Occupations**

- (1) A home occupation is allowed as an accessory use in the zones shown in (2) below. A "Y" indicates that the performance standard applies in the applicable zone. No home occupation may be initiated, established or maintained in the City except in conformance with this Code's home occupation standards and which:
  - (i) Establish criteria for operation of home occupations in conforming residential units;
  - (ii) Regulate the conduct of home occupations as an accessory use in a dwelling unit;
  - (iii) Ensure that home occupations are reasonably compatible with adjacent and nearby residential properties and uses;
  - (iv) Ensure that public and private services such as streets, sewers, water and/or utility systems are not burdened by the home occupation to the extent that usage exceeds that normally associated with residential use;
  - (v) Allow residents of the community to reasonably use their residences for commercial purposes under certain specified standards, conditions and criteria; and
  - (vi) Promote and protect the public health, safety and general welfare.
- (2) Home Occupation Performance Standards by Zoning District

HOME OCCUPATION PERFORMANCE STANDARDS	R-R	R-E	R-1	R-2	R-4	R-5	R-8	R-12	R-16	R-24	R-O	B or C	MU
1. Conform with applicable State and County statutes, City Code and Regulations and has obtained permits	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
2. Full-time Resident Operator	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
3a. No employees other than those residing in home				Y	Y	Y	Y						
3b. No more than one nonresident employee	Y	Y	Y					Y	Y	Y	Y		
4. Maintain Residential Appearance	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
5. Not more than six customers or clients/day are allowed to visit home occupation. Customer hours shall be between 8:00 AM and 8:00 PM.	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y		Y
6. Not more than 25 percent gross floor area of the residence, including accessory structure for home occupation.	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y		
7. Music, art, craft or similar lessons: a. Six or fewer clients per day b. Six to twelve clients per day	Y Y	Y Y	Y Y	Y Y	Y Y	Y Y	Y Y	Y Y	Y Y	Y Y	Y Y		Y
8. Adequate public facilities and utilities are adequate to safely accommodate equipment used for home occupation.	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
9. Storage of goods and materials shall be inside and shall not include flammable, combustible or explosive materials other than those customary to household uses	Y	Y		Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
10. Parking shall be provided and shall not create hazard or street congestion	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
11. Mechanized equipment shall be used only in a completely enclosed building		Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
12. Dust, odors, noise, vibration or electrical interference or fluctuation that is not perceptible beyond the property line.	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
13. Deliveries and pickups shall be those normally associated with residential services and shall: a. Not block traffic circulation b. Occur only between 8:00 AM and 8:00 PM Monday-Saturday	Y Y	Y Y	Y Y	Y Y	Y Y	Y Y	Y Y	Y Y	Y Y	Y Y	Y Y		Y Y

(3) Permitted home occupations shall not interfere with the peace, quiet and dignity of the neighborhood. The following examples are of uses that would be acceptable as home occupations: low volume office (insurance, realty), beauty shop, seamstress, instruction (as limited in item number 7 of Table above), home-based day care, word processing and other computer applications, and door-to-door sales.

**(4) Home Occupations Not Permitted**

The following, by way of example, but not limitation, would not be acceptable as home occupations in residential districts: medical/dental office (includes massage therapists, chiropractors, acupuncturists, naturopaths, etc.), motor vehicle repair or similar uses, restoration or conversion, engine repair, medical/cosmetic facilities for animals including animal care or boarding facilities, machine shop/metal working, retail sales, contractors shops, mortuaries, medical procedures, body piercing and/or painting, tattoos, any type of physical or psychotherapy, or escort services.

**(5) Exempt Home Occupations**

All home occupations listed below shall not be subject to all applicable home occupation regulations and standards if all persons engaged in such activities reside on the premises and all applicable conditions are satisfied:

- (i) Artists, sculptors, composers not selling their artistic product to the public on the premises;
- (ii) Craft work, such as jewelry-making and pottery with no sales permitted on the premises;
- (iii) Home offices with no client visits to the home permitted; and
- (iv) Telephone answering and message services.

**(6) Unsafe Home Occupations**

If the Director finds that any home occupation is dangerous or unsafe, the Director shall issue an order to the dwelling owner and/or tenant of the property on which the Home occupation is being undertaken directing that the home occupation be immediately made safe, as determined by the Director, or be terminated. The property owner and/or tenant shall be responsible for taking the necessary corrective steps or measures, but in the event of a failure to do so by the owner and/or tenant, after notice and a reasonable period of time, the Director may take any and all available enforcement action to render the home occupation/dwelling/ property safe. Enforcement cost shall be paid by the property owner and shall be treated as a zoning violation pursuant to Chapter 21.09.

**(7) Home Occupation Signage**

A nameplate not exceeding two square feet containing only the name of the resident, title of the person conducting a permitted home occupation, name of building, business name and/or name of agent. The nameplate may be located anywhere on the property.

**(h) Outdoor Storage and Display****(1) Residential Outdoor Storage**

- (i) 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 48 consecutive hours and occupy a volume of more than 15 cubic feet:
  - (A) Appliances;
  - (B) Building materials, except for periods where a valid building period is in effect for construction on the property; and
  - (C) Inoperable automobile, truck, commercial vehicle and RV.
- (ii) Junk or rubbish shall not be stored.
- (iii) All outdoor storage shall be located in the rear half of the lot and shall be screened.
- (iv) A maximum of two 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:
  - (A) Vehicle shall be owned by the owner or occupant of the premises upon which the vehicles are located; and
  - (B) The vehicle shall be kept in an enclosed garage or under an opaque cover designed for the vehicle or otherwise screened from off-premise view.
- (v) All outdoor storage shall be screened. Acceptable screening consists of any combination of fences, walls, berms and landscaping that is at least six feet 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. Fences must comply with Section (i), any design guidelines and other conditions of approval.
- (vi) All outdoor storage shall meet the following additional requirements, as applicable:
  - (A) All storage shall conform to the performance standards of the zone as described in Section 21.03.040, Residential Zoning Districts;
  - (B) Except for integral units, stored items shall not project above the screening;
  - (C) 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 tall; and
  - (D) Nonconforming property shall comply with Chapter 21.08.

**(2) 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 48 consecutive hours and occupying a volume of more than 150 cubic feet:

- (i) Junk or rubbish is not permissible outdoor storage unless the use is a permitted junkyard/salvage yard or landfill.
- (ii) 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 vehicles intended for repair or restoration may be stored on a property provided all of the following conditions are satisfied:
  - (A) Vehicle shall be owned by the owner or occupant of the premises upon which the vehicle are located:

- (B) The vehicle shall be kept in an enclosed garage, under an opaque cover designed for the vehicle or otherwise screened from off-premise view; and
- (C) There shall be no outdoor storage of vehicle parts.
- (iii) 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.
  - (A) Storage and dismantling areas shall require screening along all street frontages and along the first 50 feet 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 feet in height. Any new fencing shall be a minimum of six feet.
  - (B) 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.
  - (C) No item shall be allowed to project above the screening except: integral units as defined in Chapter 21.10; and stacking of no more than two vehicles on top of a wheel stand. Integral units shall include shelving up to 20 feet in height for the purpose of storing recyclable parts. End recyclers are exempt from this requirement.
  - (D) Each owner, operator, independent contractor and employee of a 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.
  - (E) Tires shall be stored as required by the Grand Junction Code of Ordinances.
  - (F) 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.
- (iv) 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.
- (v) 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 feet in height and provides a permanent, opaque, year-round screening on all street frontages and the first 50 feet of side perimeters of the outdoor storage area. Buildings on property line shall serve as screening. Plant materials are encouraged as screening.
- (vi) All nonresidential outdoor storage shall meet the following additional requirements, as applicable:
  - (A) All storage shall conform to the Specific Zone Performance Criteria in Section 21.03.070 and the use-specific requirements of that particular use;
  - (B) 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;
  - (C) Except for integral units, stored items shall not project above the screening;
  - (D) 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 feet tall. Nonconforming sites shall comply with Chapter 21.08.

### (3) Outdoor Display

A permissible outdoor display of merchandise is a portable display taken inside at the close of each business day or a display of large commercial items (e.g., operable autos, RV's, trucks, modular homes, hot tubs) that is permanent. Retail sales areas located outdoors and generally on-grade will be considered permanent display if the area is open daily to customers for browsing. Retail displays including shelving or rack areas higher than six feet, wholesale merchandise displays and other areas not accessible to the general public are considered outdoor

storage and subject to the provisions of paragraph (h). All permissible outdoor display areas shall comply with the following requirements, except as otherwise indicated:

- (i) All outdoor display shall conform to specific zone performance criteria in Section 21.03.070 and the use-specific requirements of that particular use;
- (ii) No permanent outdoor display area shall be located in a required landscaped area;
- (iii) Outdoor display areas shall meet all landscaping requirements, but shall not be subject to the screening requirements for storage lots;
- (iv) No portion of a right-of-way shall be used for any type of display without a valid revocable permit;
- (v) For vehicle sales, not more than one vehicle display pad, elevated up to six feet in height as measured at the highest point, shall be permitted per 100 feet of street frontage;
- (vi) Display lots shall be paved, except that only the access roads shall be required to be paved for lots displaying large merchandise, such as manufactured homes or heavy equipment.
- (vii) All outdoor display shall conform to all requirements of TEDS and the applicable sight distance triangle. Regardless of any provision to the contrary, no display shall be maintained in a location if it obstructs view, thereby constituting a traffic or pedestrian hazard; and
- (viii) Nonconforming sites shall comply with Chapter 21.08.

#### (4) Fleet Vehicles

Unless otherwise indicated, fleet vehicle parking areas shall meet the permanent outdoor display requirements of each district. In districts where permanent outdoor display is not permitted, a maximum of four fleet vehicles per use shall be permitted in areas meeting all parking lot requirements of this Code.

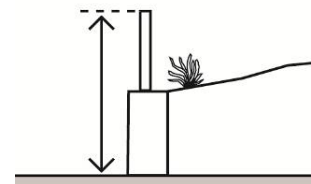
#### (i) Fences

##### (1) General Standards

- (i) The Director shall review fences proposed under this paragraph in accordance with special permit criteria. See Section 21.02.120(c).
- (ii) All fences shall meet all TEDS requirements.
- (iii) A fence or wall that exceeds six feet in height and retaining walls four feet or higher are considered a structure and require a planning clearance and building permit instead of a fence permit, and shall comply with the International Building Code and all required setbacks.
- (iv) A fence or a wall may vary from the standards in Section (i) if approved as part of a development plan;
  - (A) In a proposed planned development zone;
  - (B) On a site with a conditional use permit; or
  - (C) With a special permit.
- (v) A permit shall be required to construct a fence in any zone. All fences shall be constructed in a professional manner and shall be properly maintained.

##### (2) Fence Height Measurement

- (i) The height of fences shall be determined by measurement from the ground level upon which the fence is located. Grade shall not be altered for the sole purpose of increasing fence height. An increase of up to two inches in height shall be allowed when spacing for drainage under the fence is needed.
- (ii) For fences erected on retaining walls, the height of the retaining wall shall be included in the height of the fence. The Director may approve an increase in fence height with or without a retaining wall where the unique feature of a property would warrant such an increase and the increase would not be detrimental to surrounding public or private properties.
- (iii) Pillars or other support structures for a fence shall be allowed to exceed the maximum fence height by up to one foot at intervals no closer than eight feet.
- (iv) The height and location requirements of this Section may be modified as part of subdivision, planned development or conditional use approval.



##### (3) Fence Materials

- (i) Fences and walls shall be constructed of materials approved by the Director.

- (ii) Acceptable materials include wire, wrought iron, plastic, wood and other materials with a similar look.
- (iii) Unacceptable materials that are visible include glass, tires, razor wire and concertina wire, or unconventional salvaged materials or similar materials. Electric fencing shall be allowed to contain large animals.
- (iv) The Director may approve materials for security facilities.

**(4) Residential Districts**

Fences in all residential zones, including the Residential Office (R-O) district, shall meet the following standards:

- (i) Fences in the required front yard setback shall not exceed 30 inches in height. Such fences may be increased to 48 inches maximum height if the fencing material is at a ratio of two-thirds open space to one-third closed space per square foot for that part of the fence extending above the 30 inch height.
- (ii) Unless the approval of the development required a landscape strip, fences up to six feet in height are permitted within front yard setbacks along arterial or major collector roads, except those portions within a designated Neighborhood Center, Village Center, Downtown or Mixed Use Opportunity Corridor on the Future Land Use Map of the Comprehensive Plan, provided they are in accordance with adopted corridor overlay zone standards, TEDS and all other engineering standards and meet the following minimum standards:
  - (A) Fences or walls four feet or less in height consisting of an open design that has at least two-thirds open space to one-third closed space (e.g. picket and split rail fences), or a decorative wall, with no required landscape strip;
  - (B) Fences or walls over four feet in height with a minimum five feet wide planting strip between the fence or wall and right-of-way. The landscaped strip shall contain at least one tree per 40 feet and have adequate ground cover; or
  - (C) Perimeter fences and walls in new developments must meet the requirements of Section 21.06.040(g), Residential Subdivision Perimeter Enclosures.
- (iii) On that part of the lot other than the required front yard setback area, fences may be erected to six feet in height. Fences within a required principal structure setback exceeding six feet in height require a special permit (see Section 21.02.120). Fences meeting principal structure setbacks shall not exceed eight feet in height without a special permit.
- (iv) On corner lots, that part of a backyard fence that extends to and along the side property line on the street side may be six feet high, but are subject to the provisions of TEDS and other engineering standards.

**(5) Nonresidential Districts**

Fences in all nonresidential districts shall meet the following standards.

- (i) Location of these fences must be approved by the City Engineer to ensure that adequate sight distance is maintained.
- (ii) On those sites located within a designated Neighborhood Center, Village Center, Downtown or Mixed Use Opportunity Corridor on the Future Land Use Map of the Comprehensive Plan, fences in the required front yard setback area shall not exceed 30 inches in height. Such fences may be increased to 48 inches maximum height if the fencing material is at a ratio of two-thirds open space to one-third closed space per square foot for that part of the fence extending above the 30 inch height.
- (iii) In all other nonresidential district locations, fences to a height of six feet shall be located outside the frontyard setback. Fences which are 30 inch solid height or four feet height if 2/3 open may be located within the frontyard setback. The addition of not more than three strands of barbed wire shall be allowed and shall not be considered in the height calculation.

**(6) Maintenance**

- (i) All fences or walls and associated landscaping shall be adequately maintained. Provisions for adequate maintenance shall be proposed with the development.

**21.04.050 Temporary Uses and Structures**

- (a) The temporary use permit is a mechanism by which the City may allow a use to locate within the City on a temporary basis and by which seasonal or transient uses may also be allowed.
- (b) Prior to conducting or establishing a temporary use or temporary structure, approval of a temporary use permit by the Public Works and Planning Department is required.
- (c) Any allowed use or structure in nonresidential zones may be approved for a temporary use permit, provided that:
  - (1) The allowance of a temporary use and/or temporary structure shall not be detrimental to the public health, safety and general welfare. The use shall be consistent with the purpose and intent of this Code and the specific zoning district in which it will be located and the use shall be compatible in intensity, characteristics and appearance with existing land uses in the immediate vicinity of the temporary use.
  - (2) Factors such as location, noise, odor, light, dust control and hours of operation may be specifically considered when determining compatibility.
  - (3) The location and/or intensity of the temporary use and/or temporary structure is such that adverse effects on adjacent parcels will be minimized, as determined by the Director.
  - (4) Erosion, sedimentation, and other pollution of surface and subsurface water is adequately controlled.
  - (5) Particular attention shall be given to the type and volume of traffic generated and/or the impact that the temporary use/temporary structure will have on traffic circulation in the neighborhood. The Director shall determine that increased traffic does not unduly impact the neighborhood. A finding that traffic does unduly impact the neighborhood shall be a basis for denial of a permit.
- (d) Adequate off-street parking, as defined by this Code, shall be provided;
  - (1) The use shall not displace the required off-street parking spaces or loading areas of the principal use/structure on the site; and
  - (2) The entrance and exit shall be designed to prevent traffic hazards, nuisances and as required by TEDS.
- (e) The use shall not be allowed on publicly owned property unless the applicant first obtains a revocable or other applicable permit through the City or the property owner, if not the City.
- (f) Special events and activities conducted on public property, such as school sites and City parks, shall be exempt from the provisions of this Code, but must comply with any guidelines, regulations and permitting process required by the authorizing agency (e.g., School District 51 or City Parks and Recreation Department).
- (g) Structures and/or display shall comply with the setback requirements of the zone. Displays must not interfere with the sight distance triangle of the intersection of the curb line of any two streets or a driveway and a street. In no case shall sales or display occur within the public right-of-way.
- (h) Before a temporary use involving the sale of merchandise may begin, a sales tax license must be obtained from the City Finance Department. If not obtained, the temporary use permit shall be revoked if issued or shall not be issued until licensure.
- (i) Temporary use sign shall be permitted only for and during the time of the temporary use. The total sign allowance for a temporary use shall be 32 square feet, not including permanent signage that may be on a vehicle or booth. All signs for temporary uses shall be attached to a structure, vehicle or existing signpost. Portable signs, such as sandwich boards etc., shall not be allowed. Off-premise signage is not allowed.
- (j) Temporary Use must comply with criteria in Section (n) below.
- (k) A temporary low-traffic storage yard may be permitted in a C-2, I-2 or I-2 zone district for up to one year from the date of issuance. One extension of one year may be granted by the Director upon showing of good cause. Any additional extensions may be granted by the Planning Commission. The Planning Commission must find good cause for granting an extension.
- (l) All other temporary uses shall not exceed 120 calendar days and shall not be allowed until a minimum of 30 calendar days have passed since any previous temporary use on the parcel or lot.
- (m) Prior to the issuance of a temporary use permit, the Director may require the applicant to post security with the City as required to cover expected costs of enforcement, monitoring, clean-up and site restoration.
- (n) General review criteria. The applicant shall demonstrate that:
  - (1) The use is an authorized temporary use pursuant to Section (c) above.
  - (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 general welfare;
- (4) The use is consistent with the purpose and intent of the 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 21.06.050. 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; and
- (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.



## Chapter 21.05 Planned Development (PD)

### 21.05.010 Purpose

The planned development (PD) zone applies to mixed-use or unique single-use projects where design flexibility is desired and is not available through application of the standards established in Chapter 21.03. Planned development zoning should be used when long-term community benefits will be derived and the vision, goals and policies of the Comprehensive Plan can be achieved. The Director shall determine whether substantial community benefits will be derived. Specific benefits that the Director may find that would support a PD zoning include, but are not limited to:

- (a) More effective infrastructure;
- (b) Reduced traffic demands;
- (c) A greater quality and quantity of public and/or private open space;
- (d) Other recreational amenities;
- (e) Needed housing types and/or mix;
- (f) Innovative designs;
- (g) Protection and/or preservation of natural resources, habitat areas and natural features; and/or
- (h) Public art.

### 21.05.020 Default Standards

The use, bulk, development, improvement and other standards for each planned development shall be derived from the underlying zoning, as defined in Chapter 21.03. In a planned development context, those standards shall be referred to as default standards or default zone. The Director shall determine whether the character of the proposed planned development is consistent with the default zone upon which the planned development is based. Deviations from any of the default standards may be approved only as provided in this chapter and shall be explicitly stated in the zoning/rezoning ordinance. The planned development ordinance shall contain a provision that if the planned development approval expires or becomes invalid for any reason, the property shall be fully subject to the default standards.

### 21.05.030 Establishment Of Uses

#### (a) Uses Allowed

At the time of zoning a parcel to PD, the City Council shall determine the allowed uses. Only uses consistent in type and density with the Comprehensive Plan may be allowed within a PD. The type and density of allowed uses should generally be limited to uses allowed in the default zoning.

#### (b) Adoption and Modification of Authorized Uses

The City Council, at the time of establishing a PD zone shall list uses that are authorized by right or by conditional use permit. All uses, whether by right or conditional use permit, shall be subject to all applicable permit and approval processes established in this Code. The rezoning process shall be used to modify the authorized use list for any planned development.

### 21.05.040 Development Standards

#### (a) Generally

Planned development shall minimally comply with the development standards of the default zone and all other applicable Code provisions, except when the City Council specifically finds that a standard or standards should not be applied. Planned development shall comply with Section 21.02.150.

#### (b) Residential Density

Dwelling unit densities in planned development shall comply with the maximum and minimum densities of the Comprehensive Plan or default zone.

#### (c) Nonresidential Intensity

A maximum floor area shall be established at the time of planned development approval. In determining the maximum floor area, the Planning Commission and City Council shall consider:

- (1) The Intensity of adjacent development;

- (2) The demand for and/or mix of residential and nonresidential development in the proposed PD and in the vicinity of the proposed PD;
- (3) The availability of transportation facilities, including streets, parking, transit facilities and bicycle/pedestrian facilities;
- (4) The adequacy of utilities and public services; and

**(d) Mixed Use Intensity**

- (1) In mixed use developments in areas designated for residential development in the Comprehensive Plan, no more than ten percent of the land area may be dedicated to nonresidential uses.
- (2) The maximum residential densities within mixed use developments designated for nonresidential development in the Comprehensive Plan shall not exceed 24 dwelling units per acre. In such developments, residential uses shall not constitute more than 75 percent of total floor area.

**(e) Minimum District Size**

A minimum of five acres is recommended for a planned development unless the Planning Commission recommends, and the City Council finds that a smaller site is appropriate for the development or redevelopment as a PD. In approving a planned development smaller than five acres, the Planning Commission and City Council shall find that the proposed development:

- (1) Is adequately buffered from adjacent residential property;
- (2) Mitigates adverse impacts on adjacent properties; and
- (3) Is consistent with the goals and policies of the Comprehensive Plan.

**(f) Development Standards**

Planned development shall meet the development standards of the default zone or the following, whichever is more restrictive. Exceptions may be allowed only in accordance with this Section.

**(1) Setback Standards**

Principal structure setbacks shall not be less than the minimum setbacks for the default zone unless the applicant can demonstrate that:

- (i) Buildings can be safely designed and that the design is compatible with lesser setbacks. Compatibility shall be evaluated under the International Fire Code and any other applicable life, health or safety codes;
- (ii) Reduced setbacks are offset by increased screening or primary recreation facilities in private or common open space;
- (iii) Reduction of setbacks is required for protection of steep hillsides, wetlands or other environmentally sensitive natural features.

**(2) Open Space**

All residential planned developments shall comply with the minimum open space standards established in the open space requirements of the default zone.

**(3) Fencing/Screening**

Fencing shall comply with Section 21.04.040(i)

**(4) Landscaping**

Landscaping shall meet or exceed the requirements of 21.06.040.

**(5) Parking**

Off-street parking shall be provided in accordance with 21.06.050.

**(6) Street Development Standards**

Streets, alleys and easements shall be designed and constructed in accordance with TEDS and applicable portions of Section 21.06.060.

**(g) Deviation from Development Default Standards**

The Planning Commission may recommend that the City Council deviate from the default district standards subject to the provision of any of the community amenities listed below. In order for the Planning Commission to recommend and the

City Council to approve deviation the listed amenities to be provided shall be in excess of what would otherwise be required by the Code. These amenities include:

- (1) Transportation amenities including but not limited to, trails other than required by the multimodal plan, bike or pedestrian amenities or transit oriented improvements, including school and transit bus shelters;
- (2) Open space, agricultural land reservation or land dedication of 20 percent or greater;
- (3) Community facilities for provision of public services beyond those required for development within the PD;
- (4) The provision of affordable housing for moderate, low and very low income households pursuant to HUD definitions for no less than 20 years; and
- (5) Other amenities, in excess of minimum standards required by this Code, that the Council specifically finds provide sufficient community benefit to offset the proposed deviation.

### **21.05.050 Planned Development Phases**

**(a) Transfer of Ownership**

No developer, owner or agent thereof shall sell, convey or otherwise transfer ownership of any planned development that has not been finally approved until such person has informed the buyer, in writing, of the property's exact status with respect to the planned development process and conditions of approval, if any. The City shall bear no liability for misrepresentation or failure to disclose terms and conditions by the owner or agent.

**(b) Outline Development Plan (ODP)**

An Outline Development Plan (ODP) is required. The purpose of an ODP is to demonstrate conformance with the Comprehensive 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 an ODP. Zoning for the entire property or for each development "pod" is established at ODP. With an ODP, the pattern of development is established with densities assigned to individual "pods," which shall be the subject of future, more detailed planning.

**(c) Signage**

No sign shall be allowed on properties in a planned development zone unless the sign has been approved as part of the final development plan. Variance of the maximum total surface area of signs shall not be permitted, but the maximum sign allowance for the entire development or use may be aggregated and the total allowance redistributed. See Section 21.06.070 for sign regulations.

**(d) Final Development Plan**

The final development plan and/or the subdivision plat are necessary to ensure consistency with the approved Outline Development Plan, specific development requirements and construction requirements. See Section 21.02.150(c).

## Chapter 21.06 Development Standards

### 21.06.010 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, unless otherwise indicated. 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:

- (i) Roads, streets and alleys;
- (ii) Street lights and street signs for all street intersections;
- (iii) Sanitary sewer pipes and facilities;
- (iv) Fire hydrants and water distribution system and storage;
- (v) Storm drainage system;
- (vi) Irrigation system;
- (vii) Right-of-way landscaping;
- (viii) Other improvements and/or facilities as may be required by changing technology and the approval process;
- (ix) Permanent survey reference monuments and monument boxes (see Section 38 51 101, C.R.S.).

##### (2) Guarantee of Public Improvements

No development shall be approved until the City has accepted constructed infrastructure or the developer has executed a Development Improvements Agreement along with adequate security (see Section 21.02.070(m)).

##### (3) City Participation

The City may elect to require the developer to coordinate construction with the City as required in this Chapter. 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

- (i) 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.
- (ii) Easements shall be provided as required for improvements and utilities. Alleys for utilities and infrastructure may be used.
- (iii) 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:
  - (A) The adopted Functional Classification Map and Grand Valley Circulation Plan as amended from time to time; and
  - (B) The Urban Trails Master Plan.
- (iv) Streets, alleys, sidewalks, trails and bike paths 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.
- (v) 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.
- (vi) Dedications required by paragraph (iii) above 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**

- (i) The developer shall pay to the City a Transportation Capacity Payment (TCP) and construct Right-of-Way Improvements as required by the Director.
- (ii) 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 periodically by Council Resolution.
- (iii) 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 21.02.070(m).
- (iv) 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>).
- (v) 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.
  - (A) 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;
  - (B) 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.
  - (C) 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.
  - (D) 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.
  - (E) No TCP funds shall be used for maintenance.
  - (F) TCP funds will be accounted for separately but may be commingled with other funds of the City.
  - (G) 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.
  - (H) 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. Alteration or expansion of an existing structure will not create additional trips;
    - b. 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 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 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.

- (vi) If the 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.
- (vii) 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.
- (viii) 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.
- (ix) 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.
- (x) 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.
  - (A) Quality of service for any new development and/or for traffic capacity improvements shall be determined by the Director. The Director shall determine the acceptable quality of service taking into consideration existing traffic, streets and proposed development.
  - (B) Required right-of-way dedications shall be at no cost to the City.
- (xi) **Definitions**

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

  - (A) 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. In the event that the models are inconsistent, the most advantageous to the City shall be used.
  - (B) "Convenience store," "hotel/motel," "retail," and other terms contained and with the meaning set forth in the Trip Generation Manual.
  - (C) Lane-mile: Means one paved lane of a right-of-way mile in length fourteen 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.
  - (D) Percentage of new trips: Based on the most current version of ITE Transportation and Land Development Manual, and the ITE Trip Generation Manual.
  - (E) Unimproved/under-improved floor area: Has the meaning as defined in the adopted building codes.
- (xii) **Calculation of Fee**
  - (A) 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 (ix) above, the amount of such credit shall be deducted from the amount of the fee to be paid.
  - (B) 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.
  - (C) 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 percent 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.
  - (D) 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.

- (E) The cost and responsibility for preparation of a fee calculation study shall be determined in advance by the applicant and the Director.
- (F) 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 21.02.210(b).
- (G) 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.
- (H) The TCP Fee Calculation Study shall be calculated according to the following formula:

<b>FEE</b>	=	<b>VMT x NET COST/VMT x RF</b>
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%

- (I) 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) Existing Residential Streets**

Many areas of the City were developed in the unincorporated areas of Mesa County without modern urban street and drainage facilities. In many such neighborhoods, the existing residential streets do not have curb, gutters or sidewalks. Where houses are already built on most or all of such lots, the character of the neighborhood is well-established. Given that there are no serious safety or drainage problems associated with these local residential streets, there is no current reason to improve these streets or to install curbs, gutters and/or sidewalks. When an owner in one of these well-established neighborhoods chooses to subdivide a lot or parcel, unless such improvements are extended off-site to connect to a larger system, these "short runs" of curbing, gutters and/or sidewalks are of little value as drainage facilities or pedestrian ways until some future development or improvement district extends to other connecting facilities. The Public Works and Planning Director shall determine the acceptable minimum improvements. The Public Works and Planning Director shall require the improvements be constructed unless the following criteria are met:

- (i) The development is for three or less residential lots;
- (ii) The zoning or existing uses in the block or neighborhood are residential. The Director shall determine the boundaries of the block or neighborhood, based on topography, traffic patterns, and the character of the neighborhood;
- (iii) The existing local residential street that provides access to the lots or development meets minimum safety and drainage standards, and has a design use of less than 1000 average daily traffic ("ADT") based on an assumed



typical ten trips per day per residence and the volume is expected to be less than 1,000 ADT when the neighborhood or block is fully developed;

- (iv) At least 80 percent of the lots and tracts in the neighborhood or block are already built upon, so that the street and drainage character is well-established;
- (v) If an existing safety hazard or drainage problem, including pedestrian or bicycle traffic exists, and it cannot be improved or remedied by the street improvements being built; and
- (vi) There is at least 250 feet from any point on the development to the nearest existing street improvements that substantially comply with the City standard for the particular kind of improvements.
- (vii) If all of the criteria have been met, instead of requiring these "short run" improvements, the Public Works and Planning Director may in his or her discretion accept a signed agreement from the owner to form an improvement district for the construction of curbs, gutters, and sidewalks in lieu of construction. The agreement shall be in a form approved by the City Attorney.

**(4) Public Right of Way and Private Parking Lot Use**

- (i) 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 (see Chapter 21.06).
- (ii) 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.
- (iii) No commercial vehicle which exceeds one and one-half tons rated carrying capacity shall be parked in a public right of way which abuts any residential zone.
- (iv) Overnight camping shall not be allowed in a 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 72 hours shall not be allowed in a public right-of-way or on any vacant lot.

**(5) Partially Dedicated Street**

Prior to any development or change of use which is projected to increase traffic generation by the greater of five percent or ten 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.

**(6) 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 21.06.040(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 Planning 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. Requests for variances to this requirement shall be decided by the City Council, upon recommendation by the Planning Commission, in accordance with Section 21.02.200(c)(5). Sewer variance requests shall also be subject to "Permit Application for Sewer Variance" administered by the Manager of the Persigo Wastewater Treatment Plant.



**(f) Utilities**

Utilities, including 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 and Planning 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.

**(g) Storm Water 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 Planning, pursuant to the City's adopted stormwater drainage impact fee ordinance, finds:

- (i)** The site runoff to private property will not increase due to development; and
  - (ii)** The Director 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 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 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, type of conveyance structure, availability of regional detention facilities, flood control structures and location of the development within the watershed.
- (5)** Upon written approval from the Director 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:
- (i)** Providing an on-site grading and drainage plan; and
  - (ii)** Construction of on-site collection and conveyance facilities and providing drainage calculations as required therefore. However, payment of the drainage fee, when approved by the Director 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 and Planning of the need for additional specific facilities, and/or upon the need of the drainage system.

## 21.06.020 Public and Private Parks and Open Spaces

### (a) Public Parks and Open Space Fee Required

- (1) For all new residential development requiring rezoning, subdivision and/or planned development approval or site plan review, the owner shall pay into the City escrow fund for parks and open space acquisition and development that amount determined by the City to be necessary or required to defray the cost of and provide parks and open space.
- (2) The dedication of land and/or the payment of the cash equivalent will enable the City to provide parks in the proper location and of the proper size to serve the citizens of the City. This regulation is also adopted to help discourage the proliferation of small parcels, tracts and out lots that are ostensibly created as open space and/or parks but are not sized, maintained or otherwise functional sites.
- (3) For subdivisions, the open space fee is required and payable at the time of platting, when applicable. For all other reviews, the open space fee is required to be paid before the issuance of a planning clearance. For the purposes of this Section only, development shall mean construction of one or more dwelling unit.
- (4) Private open space and/or recreational area in any development, or outdoor living area required in a multifamily development, shall not be a substitute for the required open space fee, park impact fee or land dedication.
- (5) The Parks Impact Fee shall be as adopted by City Council by resolution.
- (6) The Parks Impact Fee shall not be waived or deferred for any development. The Open Space fee/dedication is discretionary, as provided for herein.

### (b) Open Space Dedication

- (1) The owner of any residential development of ten or more lots or dwelling units shall dedicate ten percent of the gross acreage of the property or the equivalent of ten percent of the value of the property. The decision as to whether to accept money or land as required by this Section shall be made by the Director. Subdivisions with less than ten lots or residential dwelling units are not required to dedicate ten percent of the gross acreage of the property or the equivalent of ten percent of the value of the property unless the developer or owner owns land adjacent to the proposed subdivision, in which case the Planning Commission shall determine the open space requirement.
- (2) For any residential development required to provide open space, the owner shall hire an MAI appraiser to appraise the property. For purposes of this requirement, the property shall be considered the total acreage notwithstanding the fact that the owner may develop or propose to develop the property in filings or phases.
- (3) The appraisers report shall be submitted to the City for purposes of determining fair market value and otherwise determining compliance with this Section of the Code. The owner shall pay all costs of the appraisal. The owner waives any privilege and/or protection that may exist or be asserted to exist over the details of the appraisal. The appraisal is and shall be considered by the City as an open record under the Colorado Open Records Act.
- (4) The required dedication and/or payment shall be subject to and made in accordance with this Code. The City Council may accept the dedication of land in lieu of payment so long as the fair market value of the land dedicated to the City is not less than ten percent of the value of the property.
- (5) As part of any project approval, the owner shall dedicate at no cost to the City, public trails, rights of way and waterfront greenbelts/access as designed on and as needed to implement adopted plans of the City. If such dedication is claimed to exceed constitutional standards, the owner shall so inform the City Attorney who if he agrees, shall ask the City Council to pay a fair share of the value of such dedication or waive all or part of such required dedication.
- (6) For creation of a homeowners association each subdivision of five or more lots shall record covenants which shall contain provisions for assessments, liens and enforcement of maintenance of all private open space areas and provisions for enforcement by and reimbursement to the City should the homeowners association fail to maintain the areas properly and the City elects to do so.

### (c) Trails

The owner of each project or change of use, which will increase pedestrian and/or bicycle use or trips, shall dedicate trail easements consistent with the City's adopted plans, subject to any claims as provided in the prior Section 21.06.010(b)(1). Trails shall be constructed in accordance with applicable City standards (see also Section 21.06.010(b)(1)).



## 21.06.030 School Land Dedication Fee

### (a) Standard for School Land Dedication

Dedication of Suitable School Lands for school purposes shall be required of any development if the school district determines that such development includes within it land which is necessary for implementing a school plan. In all other cases, the fee required under Section (2) shall be paid in lieu of a school land dedication.

- (1) Standard for Fee in Lieu of School Land Dedication. Except in cases where a school land dedication is required in accordance with this Chapter, or an exemption under this Chapter applies, all development and all projects which contain a new dwelling shall be subject to fees in lieu of school land dedication (SLD Fee) in an amount per dwelling unit determined by resolution of the City Council. SLD Fees shall be collected by the City for the exclusive use and benefit of the school district in which such development is located, and shall be expended by the school district solely to acquire real property or interests in real property reasonably needed for development or expansion of school sites and facilities, or to reimburse the school district for sums expended to acquire such property or interests. Revenues from such fees shall be used only for such purposes.
- (2) Payment, Prepayment, Exemption, Credit, and Refund of SLD Fee.
  - (i) No building permit shall be issued for a dwelling, multiple-family dwelling or multifamily dwelling which is or contains one or more dwelling units until and unless the SLD fee for such dwelling unit in effect at the time such permit is applied for has been paid as required by this Section.
  - (ii) Nothing in Section (1) shall preclude a holder of a development permit for a residential development or mixed use development containing a residential development component from prepaying the SLD Fees to become due under this Section for one or more dwellings, multiple-family dwellings or multifamily dwellings to be constructed in such development. Such prepayment shall be made upon the filing of a final plat for residential development, at the SLD Fee rate then in effect and in the amount which would have been due had a building permit application for such dwelling been pending at the time of prepayment. A subsequent building permit for a dwelling, multiple-family dwelling or multifamily dwelling which is or contains one or more dwelling units for which the SLD Fees have been prepaid shall be issued without payment of any additional SLD Fees. However, if such permit would allow additional dwelling units for which SLD Fees have not been prepaid, such permit shall not be issued until the SLD Fees for such additional dwelling units have been paid at the rate per dwelling unit in effect at the time the building permit application was made.
  - (iii) Any prepayment of SLD Fees in accordance with this Section shall be documented by a memorandum of prepayment which shall contain, at minimum, the following:
    - (A) The legal description of the real property subject to residential development for which an SLD Fee is being prepaid;
    - (B) A description of the development permit issued concerning such real property, and a detailed statement of the SLD Fees owed pursuant to such permit which are being prepaid;
    - (C) The notarized signatures of the record owner of the property or their duly authorized agents;
    - (D) The notarized signature: of the County Manager indicating approval of the prepayment plan, if the fee was paid while the real property was outside the limits of the City; or if the fee was paid at the time the real property was within the limits of the City, of the City Manager, indicating approval of the prepayment plan.
- (3) Exemptions
 

The following shall be exempted from payment of the SLD Fee:

  - (i) Alterations or expansion of an existing building except where the use is changed from nonresidential to residential and except where additional dwelling units result;
  - (ii) The construction of accessory buildings or structures;
  - (iii) The replacement of a destroyed or partially destroyed building or structure with a new building or structure of the same size and use;
  - (iv) The installation of a replacement mobile home on a lot or other parcel when a fee in lieu of land dedication for such mobile home has previously been paid pursuant to this Section or where a residential mobile home legally existed on such site on or before the effective date of this Section;
  - (v) Nonresidential buildings, nonresidential structures, or nonresidential mobile homes;

- (vi) Nursing homes, Adult Foster Care Facilities or Specialized Group Facilities;
- (vii) City or County approved planned residential developments that are subject to recorded covenants restricting the age of the residents of said dwelling units such that the dwelling units may be classified as housing for older persons pursuant to the Federal Fair Housing Amendments Act of 1988.

**(4) Credits**

- (i) An applicant for a development permit (or a holder of such a permit) who owns other suitable school lands within the school district in which the development is located may offer to convey such lands to the school district in exchange for credit against all or a portion of the SLD Fees otherwise due or to become due. The offer must be in writing, specifically request credit against fees in lieu of school land dedication, and set forth the amount of credit requested. If the City and the school district accept such offer, the credit shall be in the amount of the value of the suitable school lands conveyed, as determined by written agreement between the City, the school district and the permit holder or applicant.
- (ii) Credit against SLD Fees otherwise due or to become due will not be provided until good and sufficient title to the property offered under this subsection is conveyed to and accepted by the school district. Upon such conveyance, the school district and the City shall provide the applicant with a letter or certificate setting forth the dollar amount of the credit, the reason for the credit, and a description of the project or development to which the credit shall be applied.
- (iii) Credits shall not be transferable from one project or development to another.

**(5) Refund of Fees Paid**

- (i) Any SLD Fee which has not been expended by the school district within five years of the date of collection shall be refunded, with interest at the rate of five percent per annum compounded annually, to the person who paid the fee. Prior to such refund, such amount shall be reduced by an amount equal to three percent of the principal amount to be refunded, for the costs incurred by the City in the refund of such fee. The City shall give written notice by U.S. mail to the person who paid the fee at his or her address as reflected in the records of the Mesa County Clerk and Recorder. If such person does not file a written claim for such refund with the City within 90 days of the mailing of such notice, such refund shall be forfeited and shall be retained and used for the purposes set forth in this Section.
- (ii) City Council may, upon the school district's request, extend the five year period of time specified in part (i) of this subsection above upon a showing that such extension is reasonably necessary in order for the school district to complete or close a purchase transaction entered into in writing by such district prior to expiration of such period, or to give the school district an opportunity to exercise a purchase option it acquired prior to expiration of such period. Such request shall be made at a public hearing of the City Council. In no event shall any extension of time exceed an additional five year period.

**(b) Fees In Lieu of School Land Dedication (SLD Fees)**

- (1) SLD fees shall be collected and held in trust for the use and benefit of the school district containing the residential development for which the fee is collected. Such fees shall be expended by the school district to acquire additional real property for expansion of school facilities and construction of new school facilities necessitated by new residential development in the school district, or to reimburse the school district for sums expended to acquire such property. The amount of the SLD fee shall be based on a methodology which takes into account the student generation rates of new residential development, the quantity of land required to build new school facilities on a per pupil basis, and the anticipated cost of acquiring suitable school lands in the school district to expand existing school facilities and construct new school facilities to accommodate new residential development without decreasing current levels of educational services.
- (2) The SLD Fee and the value of the variables in the formula to determine the SLD Fee shall be set by resolution of the City Council in accordance with the following formula:

$$\boxed{\text{Average Cost per Acre of Suitable School Lands within the School District}} \times \boxed{\text{Student Generation Fee Factor}} = \boxed{\text{SLD Fee Per Dwelling Unit}}$$

(For example, if the average cost of suitable school lands within the school district is \$15,000 per acre and the student generation fee factor is .023, the SLD Fee per dwelling unit would be \$15,000 x .023, or \$345.)

- (3)** The average cost per acre of suitable school lands within the school district ("Average Cost per Acre for SLD Fee") and the student generation fee factor ("SGF Factor") shall be determined by City Council. Before City Council considers modification of either, a 60 day prior written notice shall be provided to the school district. If a written request for a public hearing specifying which factor, the Average Cost per Acre for SLD Fee and/or the SGF Factor, the school district wants to be heard on is received by the City from the school district at least 30 days before the matter is scheduled to be determined by City Council a public hearing shall occur. At a hearing where City Council is considering the modification of the Average Cost per Acre for SLD Fee, City Council shall consider the school district's long range capital improvement plans and any other evidence, comments or recommendations submitted by the school district. At a hearing where City Council is considering the modification of the SGF Factor, City Council shall consider the school district's school facilities plan currently in place, the methodology and data supporting the proposed modification, and any evidence, comments or recommendations submitted by the school district.
- (4)** The SLD Fee in effect as of January 1, 2006 was \$460.00. The SGF Factor used to determine the SLD Fee was .023. This SLD Fee and SGF Factor shall continue until otherwise modified by City Council as set forth in this Code.

## 21.06.040 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. 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 Section (1) for an example of the landscaping requirements of this Section.)

(i) On-site frontage landscaping may not apply in the B-2 zone downtown commercial. (See Zone District standards.)

(ii) Landscaping in the abutting right-of-way is required in addition to overall site landscaping requirements.

(iii) 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:

(i) Shade Tree, two inch caliper (measured six inches above root ball) at time of planting. At maturity, a shade tree has a height and/or spread of 30 feet or greater. If two inch 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 one and one-half inch caliper shade trees would result in a short fall of three caliper inches, which could be compensated for with two additional one and one-half inch trees. However, a minimum caliper of one and one-half inches shall be required.

(ii) Ornamental Tree, one and one-half inch caliper (measured six inches above root ball) at time of planting. At maturity, an ornamental tree has a spread and height between 15 feet and 30 feet.

(iii) Evergreen tree, six feet tall at time of planting.

(iv) Deciduous shrub, 5-gallon container.

(v) Evergreen shrub, 5-gallon container.

(vi) Perennials and ground covers, 1-gallon container.

(vii) 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.

(i) Non-potable irrigation water shall be used 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 on the property and in any right-of-way.

(iii) If connected to a drinking 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.
- (7) Landscape Plans and Equivalent Plants**
- (i) Landscape plans must identify the species and sizes of vegetation (SSID Manual).
  - (ii) All landscaping shall be installed as shown on the approved plan.
  - (iii) 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.
  - (iv) All other changes to the landscape plan require prior approval from the Director.
  - (v) All development plans shall designate required landscaping areas. Subdivision plats shall designate required landscaping areas.
  - (vi) The owner shall keep each fire hydrant unobscured by plant material.
  - (vii) Landscape plans shall be stamped by a licensed landscape architect. Inspection and compliance with approved landscape plan must be certified by a licensed Landscape Architect prior to issuance of a Certificate of Occupancy.
- (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.
- (i) During construction, fencing or similar barriers shall isolate and protect the landscape features to be preserved.
  - (ii) All protection measures shall be clearly identified on the construction and landscape plans.
  - (iii) 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.
- (i) Utility composite plans must be submitted with landscape plans.
  - (ii) Trees which will grow to a height of greater than 15 feet at maturity shall not be planted under electrical lines.
  - (iii) 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) Soil**
- 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) Mulch and weed fabric are required for all shrub beds.
- (iv) 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.

**(13) Trees**

- (i) 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.
- (ii) Tree canopies may overlap by up to 20 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.
- (iii) At planting, tree trunks must be reasonably straight with minimal doglegs.
- (iv) Wire baskets, burlap wrappings, rope, twine or any similar shipping materials shall be removed before planting.
- (v) The minimum square footage of planting area for a shade tree is 140 square feet. The Director may vary the minimum square footage.
- (vi) Species diversity: The percent of any one type of tree that can be planted in a development shall be as follows:
  - (A) 0 – 5 trees: No Limitation
  - (B) 6 – 21 trees: No more than 50 percent of one species
  - (C) 21 or more trees: No more than 20 percent of one species

**(14) Shrubs**

- (i) 25 percent of the required shrubs may be converted to turf based on one five-gallon shrub per 50 square feet of turf.
- (ii) Ten percent of the required shrubs may be converted to perennials and/or ground covers at a ratio of three one-gallon perennials and/or ground covers for one five-gallon shrub.
- (iii) Species diversity: The percent of any one type of shrub that can be planted in a development shall be as follows:
  - (A) 10 – 19 shrubs: 50 percent
  - (B) 20 – 39 shrubs: 33 percent
  - (C) 40 – 59 shrubs: 25 percent
  - (D) 60 or more shrubs: 15 percent
- (iv) When calculating tree and shrub quantities, any fraction of a shrub or tree or other requirement is rounded up to the next whole number.
- (v) 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.

**(15) Maintenance**

The owners, tenants and occupants for all new and existing uses in the City must:

- (i) Maintain landscaping in a healthy, growing, neat and well maintained condition;
- (ii) Maintenance includes watering, weeding, pruning, pest control, trash and litter removal, replacement of dead or diseased plant material, reseeding and other reasonable efforts.
- (iii) 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 1.
- (iv) Hay mulch used during the preparation or establishment of landscaping must be certified weed-free by the Colorado Department of Agriculture.
- (v) 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.
- (vi) Between one and two years after installation of required landscaping, Code Enforcement shall conduct a site inspection 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.

**(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.

- (i) All unimproved right-of-way adjacent on the side abutting a development which is not in the City's one -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 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.
- (iii) 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.
- (iv) Where detached sidewalks exist, or are proposed, a maximum of 50 percent 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 40 feet.
- (v) 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) Authority**

- (i) The Director shall decide all questions of soils, plant selection and care, irrigation installation and other vegetation and landscaping questions.
- (ii) 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 25 percent 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 ten percent 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: ten, three inch caliper trees equaling thirty caliper inches is the same as fifteen, two inch caliper trees equaling 30 caliper inches; one, two inch caliper tree equals six 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) Water Wise**

Because of Grand Junction's desert environment, water wise design and the use of xeric (low water use) plants are strongly encouraged. Water wise 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).

- (i) 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 this Code.
- (ii) Landscaping 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" or xeric landscape plans as well as variances from the required plant coverage ratios. To further encourage xeriscaping, one gallon xeric plants shall be equivalent to five gallon traditional plants. Trees shall be installed in accordance with Section 6.4.B.5.a-c.

**(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:

- (i) One landscaped island, parallel to parking spaces, is required for each 20 parking spaces. In lieu of the standard landscape island, one "orchard style" landscape island may be used for every six parking spaces. The orchard style landscape islands shall be evenly spaced between end landscape islands. (See Section (j).)
- (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) Wheel stop barriers on all sides adjacent to the parking lot surface are required to protect landscape islands from vehicles.
- (vi) 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.
- (vii) Landscaping of the interior of a parking lot shall include trees and shrubs.

**(2) 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. 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.

- (i) Screening shall occur between a street and a parking lot and Street Frontage Landscape shall apply. (See Sections (3) and (l).)
- (ii) The minimum dimension allowed for the parking lot perimeter landscape strip is six feet. The width of a landscape strip can be modified by the Director, provided the intent of this Section is met.
- (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.

**(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.

- (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 100 percent covered in plant material within three years. Turf is allowed.
- (iv) The Director may approve a screen wall between a parking lot and a right-of-way if the lot or parcel is unusually small.

- (v) 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.
  - (vi) Two five-gallon shrubs may be substituted for four linear feet of wall; shrubs must reach a height of at least 30 inches at maturity.
  - (vii) A column or jog or equivalent architectural feature is required for every 25 linear feet of wall.
  - (viii) The back of the wall must be at least 30 inches from the face of curb for bumper overhang.
  - (ix) Shrubs must be planted on the street side of the wall.
  - (x) 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.
  - (xi) Wall elevations and typical cross sections must be submitted with the landscape plan at a minimum scale of one-half inch = one foot.
  - (xii) 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.
  - (xiii) Shrub plantings in front of a wall are not required in the B-2 Downtown District.
- (d) Street Frontage Landscape**
- (1) Within all zones (except single family uses in Single Family 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) The Director may allow for up to 50 percent of the 14 foot wide street frontage to be turf, or up to 100 percent turf coverage may be allowed if the parking lot setback from the right-of-way exceeds 30 feet. 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 40 feet of street frontage.
  - (6) Where detached walks are provided, a minimum street frontage landscape of five feet is acceptable.
- (e) Buffers**
- (1) Buffers shall be provided between different zoning districts as indicated in Section (k).
    - (i) 75 percent of each buffer area shall be landscaped with turf, low shrubs or ground cover.
    - (ii) One medium sized tree is required per every 40 linear feet of boundary between different zones.
  - (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 Section (k). When an existing fence or wall substantially meets the requirements of this Section, and Section (k) 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. (Section (k) 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 Section 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 2/3 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 four to one for turf areas and three to one 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 decision-maker may 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:

- (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 in excess of six feet is a structure and requires a building permit.
- (v) A perimeter wall must have a column or other significant architectural feature every 30 feet.

**(3) 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.
- (vii) 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.

**(5) Landscape Buffer**

On the outside of a perimeter enclosure adjacent to a right-of-way, a 14 foot wide 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) Vegetation in the sight triangle (see TEDS) shall not exceed 30 inches in height at maturity;
- (ii) In the landscape buffer, one tree per 40 linear feet of perimeter must be provided;
- (iii) 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.
- (iv) A minimum of 75 percent of the landscape buffer area shall be covered by plant material at maturity. Turf may be allowed for up to 50 percent of the 14 foot wide landscape strip, at the Director's discretion. Low water usage turf is encouraged.
- (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 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 21.06.060, 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) Variances**

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 Perimeter Landscape**

Landscaping for the parking lot perimeter shall be per Section (c)(2) with the following addition:

- (i) Turf may be allowed for up to 50 percent of the parking lot perimeter, at the Director's discretion. Low water usage turf is encouraged.
- (ii) A minimum of 75 percent of the parking lot perimeter landscape shall be covered by plant material at maturity.

**(2) Street Frontage Landscape**

Landscaping for the street frontage shall be per Section (d) with the following additions:

- (i) Vegetation in the sight triangle in the street frontage must not exceed 30 inches in height at maturity.
- (ii) One tree for every 40 linear feet of street frontage (excluding curb cuts) must be provided, 80 percent of which must be shade trees.

**(3) Public Right-of-Way Landscape**

Landscaping for the public right-of-way shall be per Section (b)(16).

**(4) Maintenance**

Each owner or the owner's association shall maintain all landscaping.

**(5) Other Applicable Sections**

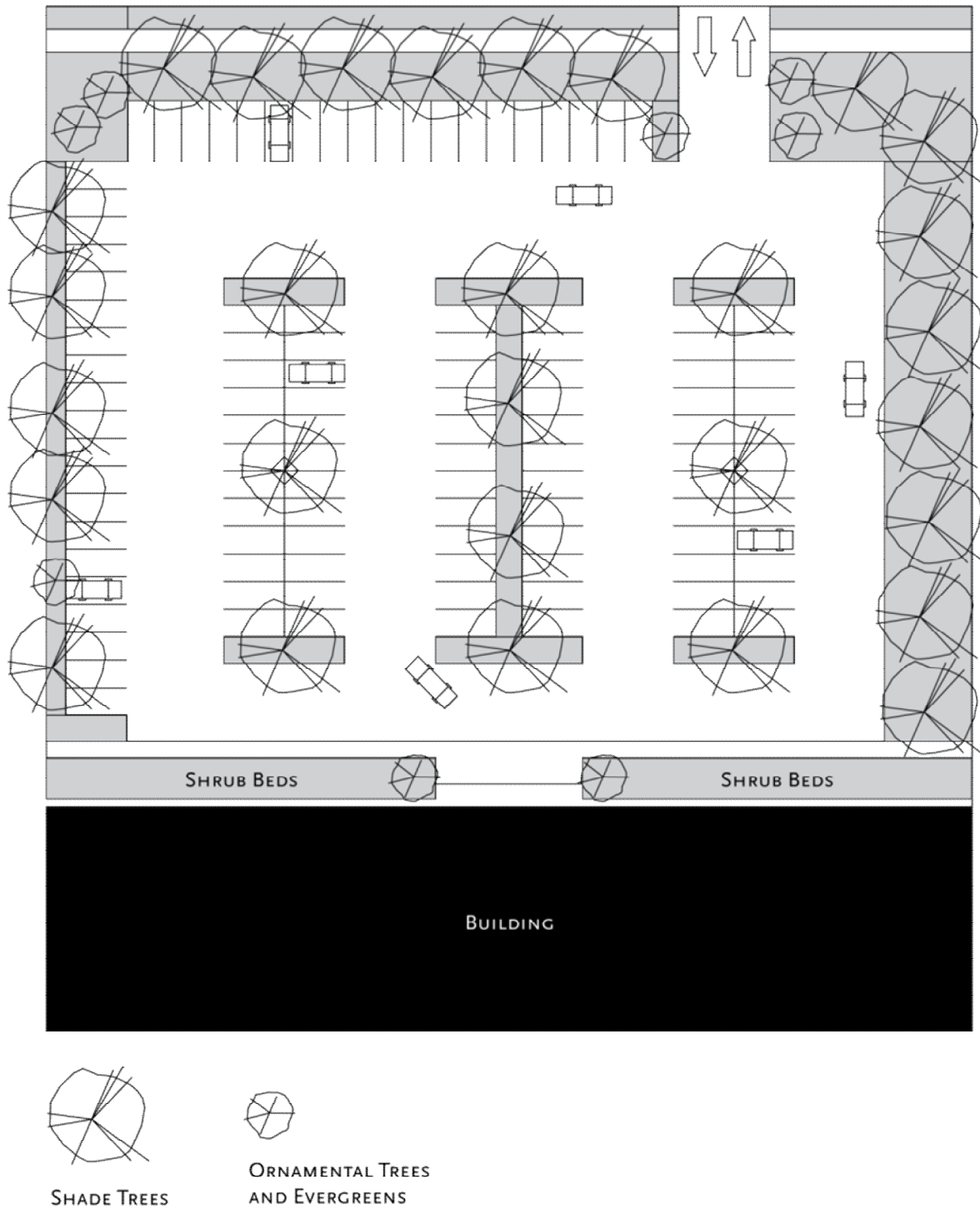
The requirements of Sections (i), (j), (k) and (l) shall also apply.

**(i) Landscaping Requirements**

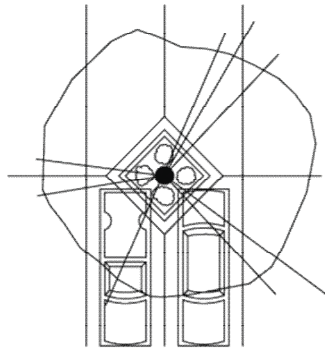
Zoning of Proposed Development	Landscape Requirement	Location of Landscaping on Site
Single Family Residential (R Zones)	As required for uses other than single family residential; and as required in Sections 6.5.G and 6.5.B.16	As required for uses other than single family residential; and Landscape Buffer and Public Right-of-Way
R-5, R-8, R-12, R-16, R-24, R-0, B-1, C-1, C-2, I-0, CSR, MU	One tree per 2,500 square feet of improved area, with no more than 20 percent 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
B-2	One tree per 2,500 square feet of improved area, with no more than 20 percent of the total being Ornamental Trees or Evergreens. One 5-gallon shrub per 300 square feet of improved area.	Parking Lot, Park Strip (in R-O-W)
I-1, I-2	As required in Section 6.5.H and in other Sections of Chapter 6.5 where applicable	Street Frontage, Parking Lots, Buffers and Public Right-of-Way
MXR, MXG, MXS	One tree per 3,000 square feet of improved area, with no more than 20 percent of the total being Ornamental Trees or Evergreens. One 5-gallon 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
Facilities: Mining, Dairy, Vineyard, Sand or Gravel Operations, Confined Animal Feeding Operation, Feedlot, Forestry Commercial, Aviation or Surface Passenger Terminal, Pasture	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



(j) Example Tree Landscape Plan







6' X 6' SQUARE SHOWN  
7' X 7' ALSO POSSIBLE

ORCHARD-STYLE LANDSCAPE ISLAND

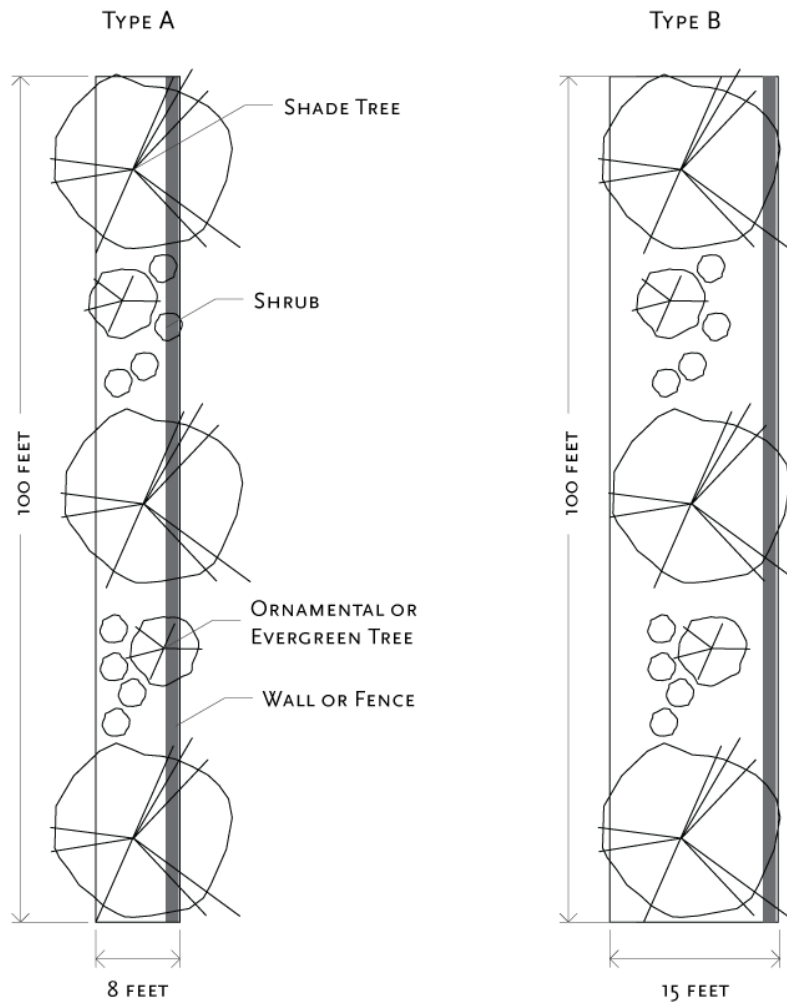
(k) Buffering Between Zoning Districts

Zoning of Proposed Development	Zoning of Adjacent Property																	
	SF	R-5	R-8	R-12 R-16	R-24	R-O	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	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	-	-	-	-	-	-	-	-	-	-	-	-
C-2 & I-O	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	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	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	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
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																		
<ul style="list-style-type: none"> <li>▪ A berm with landscaping is an alternative for a required fence or wall if the total height is a minimum of six feet</li> <li>▪ Where alleys or streets separate different zone districts, the Director may approve increased landscaping rather than requiring a wall or fence.</li> <li>▪ The Director may modify this table based on the uses proposed in any zone district.</li> </ul>																		
1 Gravel operations subject to buffering adjacent to residential.																		

**(I) 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 (f))	Between different uses

Note: Fences and walls are required for most buffers.



## 21.06.050 Off-Street Parking, Loading and Bicycle Storage

### (a) Off-Street Parking Standards

New off-street parking (new construction and expansion of or changes to existing uses) standards follow. These are in addition to TEDS standards.

#### (1) Uses Not Identified

The Director shall determine the parking requirement for a use which is not listed in section (c). The applicant shall provide adequate information so that the Director can make such decision by including:

- (i) Type of uses;
- (ii) Number of employees;
- (iii) Building design capacity;
- (iv) Square feet of sales area, service area, etc.;
- (v) On-site parking spaces;
- (vi) Proposed off-site parking spaces; and
- (vii) Hours of operation.

#### (2) 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 (Alternative Parking Plan).

#### (3) General

- (i) Each parking space must be accessible independently of others.
- (ii) All square feet is gross floor area unless otherwise indicated.
- (iii) Spaces for seats or persons is designed capacity.
- (iv) A minimum of three spaces required for all use requiring bicycle spaces.
- (v) ADA requirements are listed in Section 21.06.090(b).

### (b) Off-Street Parking Design

#### (1) Location

Except as provided in an approved alternative parking plan (see Section (e)), 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 detached single family or two family dwelling structures. In no case shall parking be allowed in parkway strips (the area between the sidewalk and curb or edge of pavement).

#### (2) Parking Lot Landscaping

Parking lots shall be landscaped (see Section 21.06.040(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.

#### (3) 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 fifty cars, the Director may accept paint or similar markings.

#### (4) Parking Lot Lighting Requirements

Adequate shielded lighting shall be provided for all parking facilities used at night.

**(5) Vehicular Traffic Areas**

All driveways and parking areas, except for a single dwelling on one lot, shall comply with the following:

- (i) 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 times per year." A "low-traffic storage yard" is defined as "a storage area generating less than 30 average daily trips." 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.
- (ii) 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.
- (iii) 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 24 months from issuance of a City site plan for such parking use.
- (iv) A temporary parking lot:
  - (A) Is allowed only in R-0, B-1, B-2, C-1, C-2, I-0, I-1, or I-2 zones and only if a site plan has been approved by the Director;
  - (B) Shall be hard surfaced or gravel;
  - (C) Shall be graded for drainage
  - (D) Shall be maintained in good condition free of weeds, dust, trash and debris;
  - (E) Shall be landscaped and screened;
  - (F) Parking spaces within a gravel lot shall be delineated with concrete "bumper blocks;" and
  - (G) Only used for total of 24 months unless a site plan for a permanent lot usage is approved.
- (v) Vehicular traffic areas shall be screened in the same manner as required for parking areas as per Section 21.06.040(c).

**(c) Off-Street Required Parking**

The table below shows the number of parking spaces required for the uses indicated. The number of space required may be modified through the Alternative Parking Plan described

USE CATEGORIES	SPECIFIC USES	MINIMUM NUMBER OF VEHICLE SPACES
<b>RESIDENTIAL</b>		
Group Living	Nursing Homes; Assisted Living Facility; Treatment Facility; Group Living Facilities	1 per 4 beds – one per each three employees
Household Living	Business Residence	1 per residence + business parking
	Bed and Breakfast	1 per guest room + two spaces for owner's portion
	Rooming/Board House	1 per rooming unit
	Accessory Dwelling Unit	1 per unit
	Dormitories/Fraternities/Sororities	1 per 2 beds
	Single-Family, Two Family	2 per unit
	Multifamily – 1 bedroom	1.25 per unit
	Multifamily – 2 bedroom	1.5 per unit
Multifamily – 3+ bedroom	2 per unit	
<b>INSTITUTIONAL</b>		
College, Vocational/ Technical Schools	College, Vocational/Technical Schools	1 per 2 students
Community Services	Community Center	1 per 250 square feet
Cultural	Museums, Art Galleries, Opera Houses, Libraries	1 per 1,000 square feet
Day Care	Day Care	1.5 per employee
Detention Facilities	Jails, Honor Camps, Reformatories, Law Enforcement Rehabilitation Centers	1 per employee on maximum shift + one per service vehicle
Hospital/Clinic	Hospital/Clinic	1 per 2 beds + one per employee
Parks and Open Areas	Campground	1 space (10'x30') per campsite
	Golf Course	4 per hole
	All Other	20 spaces per athletic field or ball diamond or one per four seats, whichever results in more spaces
Religious Assembly	Religious Assembly	1 per 4 seats (one seat = 18")
Safety Service	Fire or Police Station; Emergency Response Service	1 per employee + 1 per 300 square feet of office space
Schools	Elementary and Junior High	1 per classroom
	High Schools	6 per classroom
Utilities, Basic	Utilities, Basic	1 per employee
<b>COMMERCIAL</b>		
Office	General Offices; Governmental Offices	1 per 400 square feet
	Medical/Dental	1 per 250 square feet
Recreation and Entertainment, Outdoor	Driving Range	1 per 20 feet of driving area
	Miniature Golf	2 per hole
	All Other Outdoor Recreation	As determined by Director
Recreation and Entertainment, Indoor	Assembly/Auditorium	1 per 4 seats or 1 per 50 square feet if not permanent seat
Recreation and Entertainment, Indoor	Bowling Alley	4 per lane
	Clubs/Lodges	1 per 500 square feet
	Health Club/Fitness Center	1 per 500 square feet
Drive-Thru Uses (see TEDS Manual for stacking or vehicle storage requirements)	Automated Tellers	N/A
	Bank, Drive-Thru Facility	N/A
	Drive-thru Cleaners; Drive-thru Liquor	N/A
	Fuel: full service no repair/service facility; self-service	1 space per employee on largest shift + one space per 200 square feet

USE CATEGORIES	SPECIFIC USES	MINIMUM NUMBER OF VEHICLE SPACES
	Restaurant, Drive-In, no indoor seating	one per employee on largest shift
	Restaurant, Fast-Food with Drive-In Facilities	1 space per 3 seats
Retail Sales and Services	Bars/Nightclubs	1 per 100 square feet
	Banks (Branch and Drive-In)	1 per 300 square feet
	Convenience Store	1 per 250 square feet
	Hotels/Motels; Inns	1 per room + 1 per 250 square feet of restaurants, bars, meeting areas
	Funeral Home / Mortuary / Crematorium	1 per 4 seats
	Restaurants	1.5 per 100 square feet
	Shopping Centers < 400,000 square feet 400,000 square feet + With Theater	1 per 250 square feet 1 per 200 square feet 1 one per 4 seats
	Theaters	1 per 4 seats
Retail Sales and Service, continued	New & Used Vehicle Sales, including Recreational Vehicles/Boats	1 space for each 5,000 feet of open sales lot area devoted to the sale, display, and rental of said vehicles and 1 space for each 300 square feet of gross floor area
	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 300 square feet
	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
	Other Service Businesses, Stand Alone (e.g., beauty/barber shops, frozen food lockers, laundries, and similar uses)	1 per 500 square feet
Self-Service Storage	Self-Service Storage	1 per 8 storage units + 1 per employee on maximum shift
Vehicle Repair	Vehicle Repair	2 per service bay + 1 per employee
Vehicle Service, Limited (see TEDS manual for stacking or vehicle storage requirements)	Car Wash, Self-Service	see TEDS
	Car Wash, Full-Service	1 space per employee
	Service Stations; Oil, Lube, Muffler Service	4 per service bay + required stacking spaces
	Other Limited Vehicle Service	2 per service bay + 1 per employee
	Tire, Batteries, Accessory Retailers	1 per 300 square feet
<b>INDUSTRIAL</b>		
Industrial Services and Operations	Industrial Services and Operations (e.g., Asphalt Plants, Concrete, Pipe & Culvert Storage)	1 per each 1,000 square feet of floor area,
Manufacturing and Production	Manufacturing and Production	1 per 1,000 square feet
Warehouse and Freight Movement	Warehouse and Freight Movement	1 per 1,000 square feet
Waste-Related Use	Waste Related Use, Salvage	1 per 1,000 square feet
Wholesale Sales	Wholesale Sales	1 space per 500 square feet of floor area
<b>OTHER</b>		
Agriculture	Feed Lots, Farming Airport	None
Aviation, Surface Passenger Terminals	Airport Terminals, Charter Airplane Terminals, Bus Stations, Train Stations	1 per employee + 1 space per peak embarking

USE CATEGORIES	SPECIFIC USES	MINIMUM NUMBER OF VEHICLE SPACES
		passengers
Mining	Gravel Extraction or Storage, Oil or Gas Drilling or Production	1 per employee + 1 per facility vehicle
Telecommunication Facilities	Television Station, Radio Station, Cable TV Retailer, Internet Provider, Telephone Switching Station/Offices	1 per employee

**(d) B-2 District**

Parking regulations for uses in the B-2 District are:

- (1) There is no parking requirement for the reuse, remodel, or reconstruction of an existing structure that does not increase the available square footage of leasable area.
- (2) Parking shall be provided for any leasable square footage added after the effective date of this Title.
- (3) Permanent parking available to the public and within 500 feet (1000 feet for employees) of the proposed construction counts towards the total parking requirement.

**(e) Alternative Parking Plan**

Unless an alternative parking plan is approved at the time of site plan approval, the parking ratios above shall apply.

**(1) Applicant-Submitted Parking Data**

The required parking ratios may be modified where applicant-submitted parking data illustrates that required parking ratios do not accurately apply to a specific development. The data submitted for an alternative parking plan shall include, at a minimum, the size and type of the proposed development, the mix of uses, the anticipated rate of parking turnover and the anticipated peak parking and traffic loads of all uses.

**(2) Credit for On-Street Parking**

Credit may be provided by the Director for any on-street parking spaces abutting the subject property. Such spaces must not be located within a clear sight triangle. No fractional spaces shall be credited.

**(3) Off-Site Parking**

Required off-street parking spaces may be permitted on a separate lot from the lot on which the principal use is located if the off-site parking complies with the all of following standards.

**(i) Ineligible Activities**

Off-site parking may not be used to satisfy the required parking ratios for residential uses (except for guest parking), as well as convenience stores or other convenience-oriented uses. Required parking spaces reserved for persons with disabilities may not be located off-site.

**(ii) Location**

**(A)** Off-site parking spaces shall be located within 500 feet (1,000 for employee spaces) from the primary entrance of the use served along the shortest available pedestrian route (measured from the nearest point of the parking area to the nearest point of the building, structure served by such parking lot). Off-site parking may not be separated from the use that it serves by a street right-of-way with a width of more than 80 feet unless a designated pedestrian crosswalk or walkway is provided.

**(B)** The off-site parking shall be located wholly within a district that allows commercial parking as principal use, except in the B-2 District.

**(iii) Agreement**

**(A)** In the event that an off-site parking area is not under the same ownership as the principal use served, a written agreement between the record owners shall be required.

**(B)** An off-site parking agreement may be rescinded only if all required off-street parking spaces are provided in accordance with required ratios above.

**(4) Shared Parking**

Shared parking facilities may be permitted if the shared parking complies with the all of following standards.



- (i) **Ineligible Activities**  
Required parking spaces reserved for persons with disabilities may not be located off-site with permission of Director.
- (ii) **Location**  
Shared parking spaces shall be located within 500 feet of the primary entrance of all uses served along the shortest available pedestrian route (measured from the nearest point of the parking area to the nearest point of the building, structure or use served by such parking lot) unless shuttle bus service is provided to the parking area.
- (iii) **Shared Parking Study**  
Applicants wishing to use shared parking as a means of reducing the total number of required spaces shall submit a shared parking analysis using the latest edition of Urban Land Institute's Shared Parking. The study shall be provided in a form established by the Director and made available to the public. It shall address, at minimum, the size and type of the proposed development, the composition of tenants, the anticipated rate of parking turnover and the anticipated peak parking and traffic loads for all uses that will be sharing parking spaces.
- (iv) **Agreement**
  - (A) A shared parking plan shall be enforced through written agreement among all owners of record. An attested copy of the agreement between the owners of record shall be submitted to the Director on forms made available by the Director.
  - (B) A shared parking agreement may be rescinded only if all required off-street parking spaces are provided in accordance with an approved Alternative Parking Plan. See Section (e) above.
- (5) **Valet Parking**  
Valet parking may be permitted as a means of satisfying otherwise applicable parking requirements where all of the following standards have been met:
  - (i) Adequate assurance of the continued operation of the valet parking is provided, such as a contractual agreement for valet services or the tenant's affidavit agreeing to provide such services.
  - (ii) An equivalent number of valet spaces are available to replace the number required on-site parking spaces. Such valet spaces do not require individual striping, and may take into account the tandem or mass parking of vehicles.
  - (iii) The design of the valet parking shall not cause customers who do not use the valet service to park off-premise or cause queuing in the right-of-way.
  - (iv) An accessible passenger loading and unloading area meeting ADA standards shall be provided.
- (6) **Recording of Approved Plans**  
An attested copy of an approved alternative parking plan shall be recorded in the deed records for Mesa County on forms made available by the Director. An alternative parking plan may be amended by following the same procedure required for the original approval. The applicant shall provide proof of recording prior to approval of the certificate of occupancy.
- (7) **Violations**  
Violations of an approved alternative parking plan constitute a violation of this Code and shall be subject to all applicable enforcement and penalty provisions.
- (f) **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.
- (g) **Bicycle Storage**
  - (1) **Required Spaces**  
Bicycle spaces shall be provided at a rate of 1 space per 20 vehicle spaces.
  - (2) **Alternative Bike Parking**  
The Director may allow bicycle parking for employees to be located within a structure for security reasons

## 21.06.060 Subdivision Standards

### (a) Applicability

Unless otherwise provided in a City Council approved development or annexation agreement, the provisions of this Section shall apply to all residential, commercial, industrial and other subdivisions. See Chapter 21.02 for the process of subdivision review and approval.

### (b) Intent

- (1) The design and layout must incorporate and emphasize unique features of the land. All subdivisions should be designed to:
  - (i) Complement neighborhood development and uses;
  - (ii) Reinforce the importance of public places such as boulevards, parks, and open spaces;
  - (iii) Protect existing natural resources and wildlife habitat;
  - (iv) Mitigate erosion from wind and water;
  - (v) Avoid development in riverine slide areas, geologically hazardous areas and in floodplains;
  - (vi) Preserve stands of existing mature trees and native vegetation;
  - (vii) Reduce fire hazards;
  - (viii) Promote pedestrian uses, bicycling, and transportation modes other than the private automobile;
  - (ix) Reduce long term service and maintenance costs to the City, its residents and owners in the subdivision; and
  - (x) Avoid repetitive building and lot layouts.
- (2) Open space should be integrated with the subdivision and adjacent property to create attractive areas for active and passive use. Open spaces should not be located on peripheral strips of land or isolated corners. Subdivision layout should interconnect streets, open spaces and existing and proposed pedestrian and bicycle trails.
- (3) A subdivision for uses that differ significantly in size or type from contiguous uses and buildings should be organized to avoid or mitigate adverse effects on neighboring properties. Adjacent residential and mixed use projects should be connected, at least for non-vehicular transportation.

### (c) Plans and Specification Standards

The design, construction and perpetual maintenance of all development, including subdivisions, shall be consistent with:

- (1) Adopted plans and policies;
- (2) Rules of the zoning district;
- (3) Other requirements of this Code;
- (4) Any previous plans on which the subdivision is based;
- (5) The City's technical and engineering, design, construction, and inspection criteria, standards, and specifications.

### (d) Standards For Required Reports, Studies And Special Plans

The applicant shall submit to the Director those materials as listed in the SSID manual (under separate cover). All projects shall comply with the applicable requirements in SSID.

### (e) Transportation Engineering Design Standards

All projects shall comply with applicable requirements for the Transportation Engineering Design Standards (under separate cover).

### (f) Lot Layout and Design

#### (1) Access to Public Roads

All lots shall have direct or indirect access to a dedicated public road. If the plat provides for indirect access (i.e., over intervening private drives), access easements or tracts benefiting all lots with indirect access shall be provided on the recorded plat. Easements shall be used to access not more than one lot with no street frontage. All access to public roads shall meet the standards as set forth in TEDS.

- (i) Creation of lots having two parallel property lines abutting a right of way ("double frontage lot") or lots having a rear lot line of which is adjacent to or across an alley from the side lot line of another lot ("reverse corner lot") is discouraged.

- (ii) Double frontage lots shall comply with the subdivision perimeter enclosures provisions of Section 21.06.040(g).
- (iii) A dwelling lot which abuts three public streets are discouraged.
- (iv) The rear lot line of a dwelling lot should not abut a residential collector, local or cul-de-sac.
- (v) The decision-maker may increase the required setback from a lot line bordering a collector or arterial street.
- (vi) Single family attached dwellings and/or multifamily dwellings with no street frontage or limited street frontage may be allowed by the Director provided access is reasonably and readily available for each dwelling unit through the use of private streets, shared drives, parking lots, and/or other specifically identified limited common elements.

**(2) Flag Lots**

- (i) Each flag lot shall have at least 25 feet of street frontage, provided that the Director may require an access easement 50 feet wide where public right-of-way may be needed to access future development. Said easement and irrevocable offer of dedication of right-of-way 50 feet wide shall run the full depth of the lot or lots.
- (ii) The use of flag lots is discouraged. If no reasonable design alternative exists, the Director may allow one flag lot in a subdivision of four or fewer lots. If no reasonable design alternative exists not more than 15 percent (round any fraction down to the next whole number) of the lots within a subdivision containing five or more lots to be flag lots. If allowed, flag lots must be paired with the "poles" abutting to require the use of a common driveway. No more than two flag lots shall be contiguous.
- (iii) The "flag" portion of a flag lot shall be at least 20 percent larger than the lot area of non-flag lots located in the same filing of the subdivision. For purposes of this area calculation, the area of the "pole" is not counted. The decision-maker may increase the setbacks for the "flag portion" of a flag lot, to be noted on the plat.
- (iv) Driveways shall be designed to allow vehicles to exit driving forward.
- (v) As an alternative to paired flag lots, the Director may require a shared driveway if it meets the shared driveway standards.

**(3) Rear Lot Lines**

Each plat shall specifically identify all rear lot lines. Rear lot lines should not abut a residential collector or local street.

**(4) Shared Driveways**

No more than five dwelling units may share a single driveway access to a public street if technical requirements of TEDS are met. See Section 21.06.100(c)

**(5) Loop Lane**

Single family lots may be located on a loop lane, subject to compliance with Section 21.06.100(d). Special setbacks and lot size reductions for properties located on loop lanes are required.

**(6) Cul-de-Sacs and Dead End Streets**

The design of cul-de-sacs and dead end streets shall meet TEDS.

**(7) Alleys**

- (i) Alleys should be included in residential subdivisions, especially when they continue an existing pattern, or allow access to residential properties with garages or parking areas behind a principal structure served by a local or residential collector street.
- (ii) Alleys should be provided in commercial and industrial areas unless alternate service access is provided.
- (iii) TEDS applies to alleys.

**(g) Circulation**

**(1) General**

- (i) Subdivisions shall be designed to continue or create an integrated system of lots, streets, trails, and infrastructure that provides for efficient movement of pedestrians, bicycles, and automobiles to and from adjacent development, while encouraging the use of mass transit.
- (ii) Subdivisions shall allow for through movement of general traffic thus avoiding isolation of residential areas and overreliance on arterial streets on the edges of the subdivision for traffic movement, except as required by Section (g).
- (iii) Street layouts must help emergency providers find their way efficiently and quickly.

- (iv) Residential subdivisions must provide efficient and relatively direct pedestrian and bicycle access to near commercial development.
  - (v) Bicycle paths shall connect to the City's on-street bikeway network and off-road trail system unless the Director determines it is not feasible.
  - (vi) The Street Naming and Addressing Manual controls the names of rights-of-way and property addressing.
  - (vii) Commercial subdivisions shall provide for vehicular circulation between adjacent lots and must dedicate or grant appropriate easements accordingly.
- (2) Street Layouts**
- (i) Street layouts shall continue streets in adjoining subdivisions or their anticipated locations when adjoining property is not yet developed.
  - (ii) Subdivisions shall accommodate a system of major collector, minor/residential collector, and local/residential streets providing multiple direct connections between local destinations such as parks, schools, and shopping, without requiring the use of arterial streets, unless unusual topographic features or existing development prohibits it.
  - (iii) Subdivisions containing or next to property designed for retail or commercial uses must be designed to integrate circulation systems among those lots and must avoid the erection of physical barriers between adjacent retail or commercial uses unless necessary for safety reasons.
- (3) Street Widths**
- TEDS dictate street widths.
- (4) Other Street Forms**
- The Director may approve different forms and types of streets if the functional and safety bases of TEDS are met. Any alternative street must be equal to or better than TEDS in terms of traffic safety, pedestrian circulation, impacts on adjacent uses, and appearance.
- (5) Private Streets**
- Private streets are generally not permitted. Only the City Council may authorize any development to be served by a private street. See Section 21.06.100(a) and 21.06.100(b).
- (6) Street Reserve Strips**
- No reserve strip shall be retained on the outer boundary or elsewhere of a development in order to control access to any public way.
- (7) Bikeways, Walkways, and Sidewalks**
- (i) All subdivisions shall provide an integrated system of bikeways, walkways, and sidewalks to allow residents, customers, and the public to safely and directly access all principal uses, public areas, streets, bus stops, parking areas, and trash, recreation, and mail pickup facilities on bicycle and on foot.
  - (ii) Unless the Director deems it impractical, pedestrian circulation shall be separated from vehicles and bicycles.
  - (iii) The adopted urban trails plan and the standards in TEDS show how and where to build bicycle and pedestrian trails.
  - (iv) Walkways shall directly connect areas or points of pedestrian origin and destination. A walkway shall not be located or aligned solely based on the outline of a parking lot configuration that does not provide safe and convenient direct pedestrian access. Connecting walkways shall link street sidewalks with building entries, through the parking lots. To provide direct pedestrian connections to these destinations, additional sidewalks or walkways not associated with a street, or the extension of a sidewalk from the end of a cul-de-sac to another street or walkway may be required.
  - (v) Where a development abuts or includes an arterial or collector street, a bicycle and pedestrian access point shall be provided every 1200 feet from the arterial and collector street or sidewalk into the development.
- (8) Public Transit**
- (i) Streets should be designed to facilitate the use of public bus transit where needed. The public transit authority may be a review agency.

- (ii) The Director may require each subdivision to dedicate and/or construct adequate waiting areas for bus stops in the locations adjacent to arterial or major collector streets identified by a public transit authority; and direct walkways to each bus stop areas from each nearby street, commercial, industrial use, and public area.
- (iii) TEDS shows the design rules for a transit stop.

**(9) Fire Lanes**

Fire lanes shall be provided in accordance with the adopted Fire Code.

**(h) Location and Use of Open and Undeveloped Space**

- (1)** The plat for each subdivision shall include and protect as much of the following open space as the Director deems reasonable:

- (i) Natural, geologic or other hazard areas, such as potentially unstable slopes, faults, landslides, rockfalls, expansive soils, and floodplains.
- (ii) Stream beds and corridors, bluffs, ridges, steep slopes, mature trees and/or stands of native vegetation, rock outcroppings, wetlands, native upland ecosystems, riparian areas, and wildlife corridors.
- (iii) Water features such as drainages, waste ditches, washes, canals, ditches, lakes, natural ponds, and retention and detention ponds.

**(2) Location**

The open space in each subdivision shall be located to create or enhance:

- (i) Community focal points;
- (ii) Passive recreational opportunities;
- (iii) Active recreational opportunities;
- (iv) Landscaped buffers or visual transitions between different types or intensities of land uses; and/or
- (v) Opportunities to accommodate multiple compatible uses (such as providing scenic vistas, passive recreation opportunities, wildlife habitat, and the prevention of construction on natural hazard areas) rather than a single use.

**(3) Integration**

The open space in each subdivision shall be integrated with schools, parks, and other open spaces or public property in or near the subdivision or on neighborhood property.

**(4) Public Access and Visibility**

- (i) Open spaces in each subdivision should be open, accessible, and visible to all residents of the subdivision, and, to the public using public streets, trails, and open spaces.
- (ii) If the subdivision contains or abuts a publicly owned natural area, the Director may require the subdivision plat to include such easements and rights-of-way as are necessary to allow reasonable access for the public to such natural area. Conveyance to the public requirement or dedication to the City may be credited against any park or open space dedication or fee-in-lieu of such land required by the City, upon approval of the City Council.

**(5) Isolated Areas Discouraged**

Open space should not be located in isolated areas or corners of the subdivision, in peripheral strips along the borders of right-of-way or the subdivision, or in unconnected patterns unless the Director finds such a location would further one of the other goals described above.

**(6) Natural Hazard Areas**

If natural or geologic hazards exist within the property, the applicant shall either:

- (i) Identify the limits of development (as defined below) on the plat and include a plat note that those areas are not available for sale nor development;
- (ii) Provide a report from a geotechnical engineer licensed in Colorado designating the specific mitigation measures or engineering precautions necessary to make such areas safe for development and occupancy, and include a plat note stating that development will be subject to those mitigation measures and engineering precautions although the specific design needed as a part of a building permit may occur as a part of the building permit; or
- (iii) Some combination of (i). and (ii). above.

**(7) Significant Natural Features**

All natural features (such as corridors, bluffs, ridges, steep slopes, stands of mature trees, rock outcroppings, wetlands, native upland ecosystems, riparian areas, and wildlife corridors) and water features (such as drainages, washes, canals, ditches, lakes, natural ponds, and retention and detention ponds) are within the property limits, shall be identified on the plat as the limits of development (as defined below). The plat shall clearly state that such areas are not available for sale nor development.

**(8) Limits of Development**

Each plat shall specify the Limits of Development (LOD) which are any specific areas of a subdivision within which the development and construction shall be limited or prohibited so that natural hazard areas are avoided and significant natural features are preserved. LODs shall be determined based on:

- (i) Mapping hazard areas and significant natural features;
- (ii) Site topography, including but not limited to steepness of slopes, existing drainage features, rock outcroppings, river and stream terraces, valley walls, ridgelines, and scenic topographic features; and
- (iii) The practical needs to give access to heavy equipment the developed project and reasonable staging and operational areas.

**(9) Retention and Detention Ponds**

Storm drainage, retention and detention ponds shall be located, designed, maintained, planted and managed to serve as visual amenities, entryway features, or opportunities for passive recreation within the subdivision.

## 21.06.070 Sign Regulation

### (a) Sign Regulation

This regulation governs exterior signs. The proliferation and disrepair of signs can deter the effectiveness of signs, cause dangerous conflicts with traffic control signs and signals, and contribute to visual pollution to the detriment of the general public.

### (b) Prohibited Signs

Prohibited signs are signs which:

- (1) Contain statement, word, or picture describing or depicting sexual activities or specified anatomical areas;
- (2) Contain, or are an imitation of, an official traffic sign or signal or contain the words: "STOP," "GO SLOW," "CAUTION," "DANGER," "WARNING," or similar words;
- (3) Are of a size, location, movement, content, coloring or manner of illumination which may be confused with, or construed as, a traffic control device or which hide from view any traffic or street sign or signal;
- (4) Contain or consist of portable signs, tent signs, or strings of light bulbs not permanently mounted on a rigid background, except that one portable sign per business will be allowed next to the building in shopping areas that are designed to invite pedestrian traffic. In no case shall a portable sign be placed in a parking lot or in any median. No sign shall be allowed that creates a hazard for or impedes motorists or pedestrians. Signs may not exceed 12 square feet in size and may not exceed three feet in width;
- (5) Are erected after adoption of this Code and do not comply with the provisions of this regulation; or
- (6) Do not comply with the law, rules and regulations of the State of Colorado as now or hereafter enacted and/or amended. See, C.R.S. 43-4-401 *et seq.*

### (c) Exemptions

The following signs are exempt from all the provisions of this Code, except as otherwise required by construction or safety regulations, or the following requirements:

#### (1) Public Signs

Signs of a noncommercial nature, erected by, or on the order of, a public officer in the performance of his duty, such as, but not limited to, safety signs, danger signs, trespassing signs, traffic signs, memorial plaques, signs of historical interest, informational signs and the like.

#### (2) Institutional

Permanent signs which set forth only the name of a public, charitable, educational or religious institution, located entirely upon the premises of that institution, and which do not exceed an area of 24 square feet per street frontage. If mounted on a building, these signs shall be flat wall signs and shall not project above the roofline; if ground mounted, the top shall be no more than six feet above ground level.

#### (3) Integral

Names of buildings, dates of erection, monumental citations, commemorative tablets and the like when carved into stone, concrete or similar material or made of metal or other permanent type construction and made an integral part of the structure.

#### (4) Private Traffic Direction

Signs directing traffic movement into a premise or within a premise, not exceeding three square feet in area for each sign. Illumination of these signs shall be permitted in accordance with the section on illumination. Horizontal directional signs on, and flush with, paved areas are exempt from these standards.

#### (5) A Nameplate

Not exceeding two square feet in area, containing only the name of the resident, title and/or name of home occupation. A nameplate may be located anywhere on the property.

#### (6) Temporary Decorations or Displays

Clearly incidental and customary and commonly associated with national or local holiday celebrations.

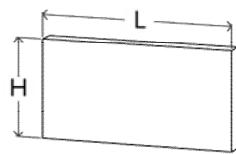


- (7) Rear Entrance Signs**  
When associated with pedestrian walk through buildings. These signs shall not exceed 16 square feet in area and shall be flush mounted, identifying only the name of the establishment and containing directional information.
- (8) Temporary Signs not advertising a Product or Service**  
Products or services offered for sale and not in excess of six square feet may be erected as participation in a public parade, event, or celebration for a period not to exceed ten days.
- (9) Menu Signs at drive-in Restaurants**  
Signs which are not readable from the nearest public right of way; and signs not readable and/or visible beyond the boundaries of the lot or parcel upon which they are located or from any public right of way.
- (10) Private Warning or Instructional Signs**  
Signs such as "NO SOLICITING," "NO TRESPASSING," "BEWARE OF DOG," or other similar types of signs not exceeding one and one half square feet per sign.
- (11) Nonprofit Organization Fund-Raising Campaign Signs (temporary)**  
Temporary signs not in excess of 32 square feet advertising nonprofit organization fundraising campaigns may be erected for campaign purposes in nonresidential zone districts only. The number of campaign signs per parcel is limited to one. Such signs may not be placed in the public right-of-way and are required to be removed within seven days after the fund drive has ended. A campaign sign may not be in place more than 90 consecutive days in any 12 month period.
- (12) Transit Shelter and Bench Signs**  
A sign on or incorporated within a City-approved transit shelter or transit bench. The requirements and specifications that apply to each transit shelter and bench are found in Section 21.04.030(r), Transit Shelters and Benches for use specific standards.
- (13) Campaign Signs**  
Noncommercial speech signs, such as political signs used for campaigning purposes, shall be allowed for a time period not to exceed 60 days prior to the scheduled primary election and shall be removed no later than ten days after the election date in which the office, issue or ballot question is decided. Signs shall not be placed in any public right-of-way, including medians, except that adjacent property owners may place campaign signs in a landscaped right-of-way area between the sidewalk and curb adjacent to private property. Signs placed on private property shall not obstruct the vision of motorists or pedestrian traffic due to size or location.
- (d) Temporary Signs**
- (1)** The following on-premise temporary signs shall be allowed in all zones and shall not require a permit, unless otherwise indicated.
- (i)** A non illuminated sign, advertising the sale or development of land containing not less than five lots, or an area of not less than one acre shall not exceed 32 square feet in area, and not more than one sign shall be placed per parcel per street frontage. Signs shall not be erected for more than one year on any parcel unless the Director approves an application for continuance. The Director may issue approval to continue the sign for an additional year. Not more than one sign per parcel per street frontage shall be allowed.
- (ii)** A non illuminated sign, not to exceed six square feet in area (see also Sections (g)(1)(i)(C), (g)(2)(ii) and (g)(3)(ii)(A)), pertaining to the sale or lease of the premises on which it is located. This sign shall not be erected for more than one year for any parcel. The sign shall be removed within 24 hours after the transfer of title or the signing of a lease. During the period of time between the execution of a contract for sale or lease and the finalizing of the same, a "sold," "sold by," or similar sign shall be permitted as long as the maximum size of six square feet is not exceeded. Not more than one sign per parcel per street frontage shall be allowed.
- (iii)** An on site, non illuminated sign, advertising the development or improvement of a property by a builder, contractor, or other person furnishing service, materials, or labor to the premises during the period of construction. The size of the sign shall not be in excess of 32 square feet in area. Such sign shall be removed within 24 hours after a certificate of occupancy is issued. Not more than one sign per parcel per street frontage shall be allowed.
- (iv)** A sign, not exceeding 16 square feet in area, advertising the sale of produce grown on the premises. Only one sign per street frontage shall be permitted.

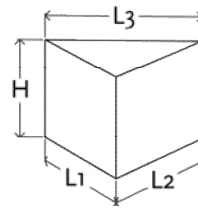


- (v) Corporation flags, limited to one flag per parcel, when flown in conjunction with the United States or State of Colorado flags.
  - (vi) Wind driven signs are subject to the following:
    - (A) A special events permit shall be required prior to any use of wind driven signs, except for those allowed under Section (c)(6), Temporary Decorations or Display.
    - (B) Wind driven signs, excluding banners, may be displayed for not more than 14 days in any calendar quarter. The days shall be consecutive.
    - (C) Banners may be displayed for a consecutive 30 day period, but not more than four times in a twelve month calendar year.
    - (D) All banners must be secured directly to the building at all contact points.
    - (E) All wind driven signs must be professionally made, must be in good repair and appearance, and must also be so located and installed so as not to pose a safety hazard for motorists or pedestrians. Such signs shall not be attached to any object located in the public right of way.
  - (2) In addition to other available penalties, failure to comply with the terms of a permit issued under this Section shall result in the loss of a permit for the following quarter.
  - (3) Signage for temporary uses requiring a temporary use permit shall conform to the requirements for a temporary use permit.
- (e) Nonconforming Signs**
- (1) All signage on site shall be brought into conformance with this Code prior to approval of any new sign permit on the property.
  - (2) Any nonconforming sign that has been damaged in excess of 50 percent of its replacement cost by fire, wind or other cause except vandalism shall not be restored without conformance with the provisions of this regulation.
  - (3) Any off-premise sign on or near the Riverside Parkway that becomes nonconforming due to the adoption of this section may continue only in the manner and to the extent that it existed at the time of the adoption of this ordinance. The sign must not be re-erected, relocated or replaced unless it is brought into conformance. If a sign is nonconforming, other than because of the adoption of this ordinance, then the sign shall be discontinued and removed on or before the expiration of three years from the effective date of this ordinance.
  - (4) A nonconforming sign which use is upgraded or exempted in writing shall be considered an allowed sign.
- (f) General Requirements**
- (1) The following requirements shall apply to all signs in all zones unless otherwise indicated.
    - (i) Permits shall be required for all new signs.
    - (ii) Touching up or repainting existing letters, symbols, etc., shall be considered maintenance and repair and shall not require a permit.
    - (iii) Only a licensed sign contractor shall obtain permits for signs.
    - (iv) All signs shall be located on the premises to which they refer unless permitted as off premise signs under this regulation. All signs shall be permanent in nature except for those signs allowed herein.
    - (v) All exterior signs shall be engineered to withstand a minimum wind load of 30 pounds per square foot.
    - (vi) Signs which identify businesses, goods, or services no longer provided on the premises shall be removed by the owner of the premises within 90 days after the business ceases, or when the goods or services are no longer available.
    - (vii) No sign shall be placed on any curb, sidewalk, post, pole, hydrant, bridge, tree or other surface located on public property including the posting of handbills except as may otherwise expressly be authorized by this regulation.
  - (2) The following shall apply to the measurement of signs:
    - (i) The total surface area of one sign face of freestanding signs and projecting wall signs shall be counted as part of the maximum total surface area allowance. Sign enhancement features such as bases, pillars, and other decorative elements, other than a single or double pole support, shall be counted as part of the sign's surface area.
    - (ii) The total surface area of all sign faces of roof signs shall be counted as part of the maximum total surface area allowance.
    - (iii) For measurement of different shapes of signs, see the graphic below.

- (iv) The total surface area of three dimensional figures shall be counted as part of the maximum sign allowance.
- (v) The area of flush wall signs with backing or a background that is part of the overall sign display or when backed by a surface which is architecturally a part of the building shall be measured by determining the sum of the area of each square, rectangle, triangle, portion of a circle or any combination thereof which creates the smallest single continuous perimeter enclosing the extreme limits of each word, written representation (including any series of letters), logo or figure including all frames, face plates, nonstructural trim or other component parts not otherwise used for support.
- (vi) The area of a facade sign shall be determined to be the sum of the area of each of the smallest perimeter enclosing the limits of each work and written or graphic representation, including letter, number, character, and/or logo used for advertising, offering or merchandising a product, or for service identification. The area of a mural painted on a wall shall not be included in the sign area calculation.



DOUBLEFACE SIGN  
H x L



TRIANGULAR SIGN  
 $[(H \times L1) + (H \times L2) + (H \times L3)] / 2$

- (3) No illumination of a sign is permitted unless the following criteria are met:
  - (i) The light from any illuminated sign shall be so shaded, shielded and directed that the light intensity or brightness shall not be objectionable to surrounding areas.
  - (ii) Neither the direct or reflected light from a light source shall create a traffic hazard to operators of motor vehicles on public thoroughfares or approaches to public thoroughfares.
  - (iii) No exposed reflective type bulb or incandescent lamp, which exceeds 40 watts, shall be used on the exterior surface of a sign to expose the face of the bulb, light or lamp to any public street or adjacent property.
  - (iv) Electrical service provided to illuminated signs may require an electrical permit from the Building Department.
- (4) **Identification and Marking**  
Each sign requiring a permit shall bear an identification plate stating the following information:
  - (i) Date the sign was erected; and
  - (ii) Name of person, firm or entity responsible for its construction and erection.
  - (iii) Corridor Overlays. Signs shall be in conformance with corridor overlays, PD overlays, and RO District requirements.

(g) **Sign Standards by Zone**

Only signs as described below and within this Section shall be permitted in any zone.

(1) **Residential Zones**

(i) **Types Allowed:**

- (A) A bulletin sign, not to exceed 24 square feet per street frontage may be erected upon the premises of a church or other medical, public or charitable institution for the purpose of displaying the name of the institution and its activities or services.
- (B) One identification sign shall be allowed for each apartment building or complex not to exceed 32 square feet per street frontage and, if lighted, shall utilize indirect illumination only, and contain only the building or complex name and name of the agent.
- (C) Signs advertising any subdivision or other project being developed in the City shall be governed by the following:
  - a. Signs in the model home area and on the subdivision site shall not exceed a total aggregate of 200 square feet.

- b. Permanent on site subdivision signs shall be allowed at the entrances to the subdivision, provided that each sign does not exceed 32 square feet.
  - (ii) **Location**

Permitted signs may be anywhere on the property. If freestanding, the top shall not be over 8 feet above the ground. If building mounted, the sign shall be flush mounted and shall not be mounted on a roof of the building or project above the roofline.
  - (iii) **Illumination**

Indirect or internal illumination only shall be utilized for letter faces and/or logos.
  - (iv) **Sign Area**

Sign enhancement features such as bases, pillars, and other decorative elements shall not be counted as part of the maximum square footage of the sign, provided such features do not exceed the size of the sign face.
- (2) **Residential Office Zone**
  - (i) **General**

The residential office zone provides a transition from residential to commercial development and consequently requires more restrictive sign regulations to maintain compatibility.
  - (ii) **Types Allowed**

Flush wall signs and monument signs shall be the only sign type allowed. One real estate sign advertising the property for sale or lease shall not exceed ten square feet.
  - (iii) **Location and Size**

Signs shall be located at least ten feet behind the front property line. Total sign area, excluding real estate signs advertising the property for sale or lease, shall not exceed 25 square feet per street frontage. The sign allowance for one street frontage may be transferred to a side of a building that has no street frontage, but cannot be transferred to another street frontage. Monument signs shall not exceed eight feet in height.
  - (iv) **Illumination**

Illumination complying with Section 21.06.080, Outdoor Lighting shall be limited to authorized business hours (external illumination only).
  - (v) **Sign Area**

The area of flush wall signs and monument signs shall be calculated as per the graphic shown under General Requirements. Sign enhancement features such as bases, pillars, and other decorative elements as part of monument signs shall not be counted as part of the maximum square footage of the sign, provided such features do not exceed the size of the sign face.
- (3) **Business, Commercial, Industrial Zones**
  - (i) **General**

This Section of the Code shall apply to all zones designated in Chapter 21.03 as business, commercial, industrial or any variety of these types. Signage on a property zoned CSR shall be limited to signage allowed in the surrounding zone districts.
  - (ii) **Types Allowed**
    - (A) Signs in the business, commercial, and industrial zones may include facade signs, flush wall signs, freestanding signs, projecting signs and roof signs. All signs allowed in residential zones are also allowed in business, commercial or industrial zones. Real estate signs in these zones may be a maximum of 20 square feet.
    - (B) Street banners will only be allowed on 7<sup>th</sup> Street between Grand Avenue and Colorado Avenue, and on any street where City installed banner poles exist. Pole flags will be allowed on all collector and arterials where poles are installed by the City for that purpose. One banner will be allowed for each block, as determined by the Director. Street banners shall be installed, removed, and maintained by the City. A street banner authorized by this section shall refer only to the event in question and shall

not contain advertising for any private product or service offered for sale except a logo or logos of the sponsoring entity if the total area of the logo does not exceed five percent of the banner area.

**(iii) Location and Size**

Permitted signs may be anywhere on the premises except as specifically restricted in this Section (see specific sign type and pertinent zoning regulation). The total amount of signage to be allowed on any property shall not exceed the sign allowance as calculated in Sections (v)(B) or (vii)(B), whichever is greater. No single sign may be larger than three 300 square feet. No projecting sign may exceed the allowances in (vi).

**(iv) Illumination**

Unless specifically prohibited, all of the following signs may be illuminated within the limits allowed under Section (f)(3) and 21.06.080.

**(v) Facade Signs, Flush Wall Signs and Roof Signs**

**(A)** The sign allowance shall be calculated on the basis of the area of the one building facade that is most nearly parallel to the street that it faces. Each building facade, which faces a dedicated public street, shall have its own separate and distinct sign allowance. The sign allowance for facade signs and flush wall signs on buildings located on interior lots (lots not on a corner) which are oriented perpendicular to the street shall be based on the longer building facade. The total sign allowance, or any percentage thereof, of one frontage may be transferred to a building facade that has no frontage on a dedicated public street, provided the transferred amount does not exceed two square feet of sign area per linear foot of the façade on which it is being placed.

**(B)** Two square feet of sign area shall be allowed for each linear foot of building facade for facade signs, flush wall signs and roof signs. The measurement of a roof sign shall be based on the square footage of each sign face. Flush wall signs may extend up to 12 inches from the face of the building if the base of the sign is at least eight feet above ground level. (Show window signs in a window display of merchandise when incorporated with such display will not be considered part of the total sign allowance.)

**(C)** On any building which allows facade signs, flush wall signs, roof signs, or projecting signs, a maximum of two of these types may be used. If a flush wall sign and roof sign are used, the sign allowance of two square feet per linear foot of building may be divided between the two types of signs. If either a flush wall sign or roof sign and a projecting sign are used, the allowance for the projecting sign shall be subtracted from the flush wall sign or roof sign allowance.

**(D)** Roof signs shall be manufactured such that no guy wires, braces, or secondary supports shall be visible. Maximum height for roof signs shall be 40 feet above grade.

**(vi) Projecting Signs**

**(A)** Signs may project up to 72 inches from the face of the building if located eight feet or more above grade. They shall not project beyond the back of curb, nor within two feet of the edge of the roadway if there is no curb. Total area per sign face shall not exceed one half square foot per linear foot of building facade. If the projecting sign is the only sign mounted on the building, the minimum sign allowance shall be 12 square feet.

**(B)** On places of public entertainment such as theaters, arenas, meeting halls, etc., where changeable copy signs are used which project over public property, the projection may be one half foot for each linear foot of building frontage provided that it is no closer than four feet to the curb face (see definition).

**(vii) Freestanding Signs**

Freestanding signs shall comply with the following requirements.

**(A)** No more than one freestanding sign shall be permitted for any parcel for each street frontage. The sign allowance per frontage can only be used on that frontage and shall not be transferred to any other frontage.

**(B)** Maximum sign allowance shall be calculated by the linear front foot of property on a public street right of way in conformance with the following:

- a. Two traffic lanes: Maximum area of sign per face per front foot of property, three quarters (0.75) square foot; maximum height, 25 feet.
  - b. Four or more traffic lanes: Maximum area of sign per face per front foot of property, one and one-half square feet; maximum height, 40 feet.
  - (C) Signs may be installed at street right of way line. The sign face may project up to 72 inches into the right of way, if located 14 feet or more above grade, but shall not project closer than 24 inches to the back of the curb. If the existing street right of way width is less than that required in this Code, the distance shall be measured from the line of such right of way as required by this Code rather than from the existing right of way line. Ute and Pitkin Avenues shall be calculated using four lanes.
  - (D) On a corner lot, a freestanding sign shall not be placed within the sight-distance triangle, as defined in TEDS, unless free air space is maintained as provided in TEDS. A single pipe support with no sign structure or copy shall not be considered a violation of the free air space requirement.
  - (E) When electrical service is provided to freestanding signs, all such electrical service shall be underground.
  - (F) All freestanding signs shall require a building permit in addition to a sign clearance.
- (4) Off Premise (Outdoor Advertising Sign)**
- Off Premise signs erected on ground or wall locations (and roof locations done within the regulations and limitations of roof signs) shall only be permitted in the C-2 (General Commercial) and I-1 and I-2 (Industrial) zones, subject to the following conditions:
- (i) **Height Limitations**  
No off premise sign shall be erected higher than 40 feet above the level of the street or road upon which the sign faces, or above the adjoining ground level if such ground level is above the street or road level. No off premise sign shall have a surface or face exceeding 300 square feet in area or containing less than 15 square feet in area.
  - (ii) **Distance**  
For each square foot of surface or facing of the sign, two feet of space from adjacent off premise signs shall be maintained. Such distances shall be determined by using the largest sign as criterion. For example, no sign can be erected closer than 600 feet to an existing 300 square foot sign. A MAXIMUM OF ONE OFF PREMISE SIGN SHALL BE ALLOWED PER PARCEL OF LAND.
  - (iii) **Location**  
A sketch, drawn to scale, depicting the size and location of the proposed billboard shall be provided. The sketch shall be prepared by a licensed surveyor and shall indicate dimensions from the proposed billboard to the closest adjacent aliquot section line and shall include coordinates. The sketch shall also include the location of the proposed billboard to the nearest adjacent right-of-way line, if applicable. The sketch shall be signed and sealed by the surveyor.
  - (iv) Service clubs may be allowed one common off premise sign, in any zone, adjacent to each major highway, to a maximum of five signs. These signs do not have to comply with (A) and (B) above but must receive site plan approval by the Planning Commission as to size, height, placement and impacts on traffic and adjacent properties.
  - (v) Off-premise outdoor advertising signs shall not be visible from the Riverside Parkway. No portion of a sign may be visible from the Riverside Parkway. It is rebuttably presumed that a sign is visible if the sign is located within 600 feet from the centerline of the Riverside Parkway as the location is depicted in Exhibit A attached hereto. Exhibit A is incorporated by the reference as if fully set forth.
  - (vi) **Illumination**  
Off premise (outdoor advertising sign) that are illuminated by indirect or external illumination shall use only downward facing, downcast light to confine direct light beams to the sign and out of the direct vision.
  - (vii) Are signs that do not comply with the law, rules and regulations of the State of Colorado as now or hereafter enacted or amended. See, C.R.X. 43-4-401 *et. seq.*
- (5) Planned Developments and Conditional Uses**
- No sign shall be allowed on properties in a planned development zone or on a conditional use site unless the sign has been approved as part of the development plan. Variance of the maximum total surface area of signs shall not

be permitted, but the maximum sign allowance for the entire development or use may be aggregated and the total allowance redistributed.

**(6) Sign Packages**

A site or sites that consist of more than one developed parcel of land that are abutting and function as one through the sharing of vehicular access through, across, over, entrance onto, and/or exit from the site and/or parking, (such as a shopping center) may be considered for a Sign Package through a Sign Package Permit. Variance of the maximum total sign allowance shall not be permitted, but the maximum sign allowance for the entire site or sites may be aggregated and the total allowance redistributed for the same type of sign. For example, freestanding sign allowance may be redistributed among freestanding signs, but a freestanding sign allowance may not be redistributed for a façade sign. See Section 21.02.070(n).

**(h) Removal and Disposition of Signs**

**(1) Maintenance and Repair:**

- (i) No person shall allow on any premises owned or controlled by him, any sign that is in a dangerous or defective condition.
- (ii) The Director shall require the owner of the sign and/or the owner of the premises upon which it is located to remove or repair any such sign. In cases of immediate danger to the public due to the defective nature of a sign, the Director may have the sign removed and assess the costs of the removal against the property. Such assessment shall constitute a first and prior lien on the property, equivalent to ad valorem taxes and shall be collected in the same manner as the real estate taxes on the property.
- (iii) All signs shall be safe and maintained in good appearance as well as safety including the replacement of defective parts, painting, repainting, cleaning and other acts required for proper maintenance. Failure to properly maintain a sign shall be a violation of this Code.

**(2) Abandoned Signs**

Except as otherwise provided in this regulation, a sign which is located on property which is unoccupied for a period of three consecutive months or more, or a sign which pertains to a time, event or purpose which no longer applies, shall be deemed abandoned.

- (i) Permanent signs applicable to a business temporarily suspended because of a change of ownership or management of the business shall not be considered abandoned unless the property remains unoccupied for a period of six months or more.
- (ii) An abandoned sign is prohibited; the owner of the sign or the owner of the premises shall remove the sign and supporting structure. An abandoned sign which is not removed in a timely manner may be removed by the Director under the provisions of this Section.

## 21.06.080 Outdoor Lighting

### (a) Purpose

- (1) To minimize light pollution, light trespass and glare.
- (2) To conserve energy and resources.
- (3) To provide safe roadways for motorists, cyclists and pedestrians;
- (4) To ensure sufficient lighting can be provided where needed to promote safety and security; and
- (5) To protect and reclaim the ability to view the night sky.

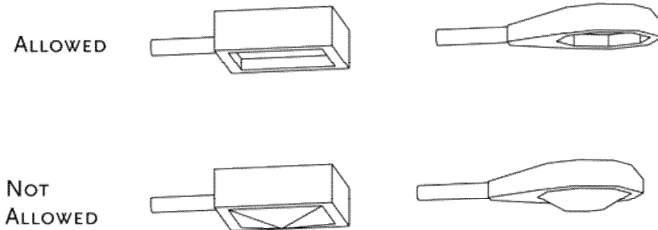
### (b) Applicability

All new land uses, structures or building additions, shall meet the requirements of this section for the entire property.

### (c) Outdoor Lighting Standards

All outside light sources shall conform to the standards set forth below.

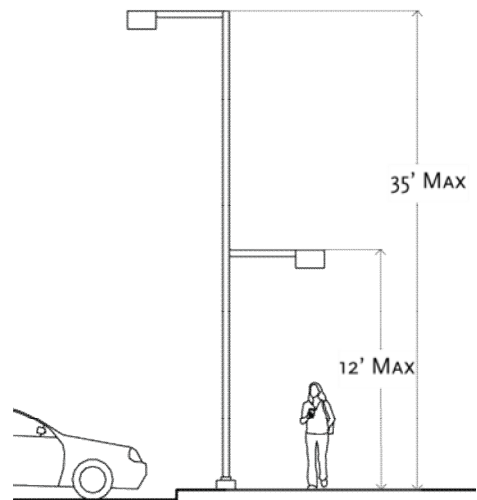
- (1) Floodlights shall not be used to light all or any portion of any building façade between the hours of 10:00 PM and 6:00 AM.
- (2) No outdoor lights shall be mounted more than 35 feet above the ground unless as a part of an approved outdoor recreational facility.
- (3) All outdoor lights mounted on poles, buildings or trees that are lit between the hours of 10:00 PM and 6:00 AM shall use full cutoff light fixtures (see graphic).
- (4) All lights used for illumination of signs, parking areas, security or for any other purpose shall be arranged so as to confine direct light beams to the lighted property and away from adjacent residential properties and out of the direct vision of motorists passing on adjacent streets.
- (5) Outdoor lighting for commercial areas is encouraged to be turned off after business hours. Lights on a timer are encouraged.
- (6) Sensor activated lights are encouraged to replace existing lighting necessary for security purposes.
- (7) Canopy lights, such as service station lighting shall be fully recessed or fully shielded so as to ensure that no light source is visible from or causes glare on public rights of way or adjacent properties. Canopy lighting shall not exceed an average of 10.0 footcandles and a maximum of 15.0 footcandles.
- (8) The operation of searchlights for advertising purposes is prohibited.
- (9) The installation of sodium vapor fixtures that are not color corrected or mercury vapor fixtures is prohibited.



### (d) Parking Lot Lighting

- (1) Adequate lighting shall be provided for all parking facilities used at night. Lighting sources shall not be directly visible from adjacent roadways or residential uses and shall not interfere with the safe operation of vehicles moving on or near the site. Parking area lighting shall, where possible, be located in landscaped areas. Parking facility lighting shall not exceed an average of 3.0 footcandles and a maximum of 10.0 footcandles.
- (2) The minimum required lighting intensity to be provided in all parking areas is 0.6 foot-candle. High activity areas such as near building entrances and pedestrian corridors shall be provided with a greater lighting intensity.
- (3) The maximum height of required lighting is 35 feet, measured from the parking surface to the top of the lighting standard. Lighting located near buildings and adjacent to sidewalks shall not exceed 12 feet in height.

- (4) A lighting plan shall be submitted for all parking lots that contain 30 spaces or more. The lighting plan shall detail the location and specifications of all lighting to be provided on site. An ISO footcandle diagram shall also be provided to indicate the level and extent of proposed lighting.
- (5) Where non-residential or multifamily parking lots abut a residential zone or use, the Director may require a Lighting Plan for lots that contain fewer than 30 parking spaces.





### 21.06.090 Site Circulation

On-site circulation shall be given the same attention as is given to the design of public street systems. Poor site design and circulation is detrimental to both the public investment in the street system and the private investment in the property. Access locations, building location, site circulation, and parking are highly inter-related as each one has a dramatic effect on the others. The design of the on-site circulation system shall be an integral part of the overall site and access design process.

#### (a) On-site Roads

On-site vehicular circulation shall occur completely within the limits of the developed property. On-site roads shall be designed with geometric features such as curves, grades, sight distance, turning radii, design vehicle characteristics, drainage, and vehicle storage to the same standards as public streets.

#### (b) Parking

Parking facilities shall provide internal vehicular circulation and storage. The use of raised landscaped planting strips in large parking areas is required in this code. All fixed objects within the parking area shall be highly visible by using the appropriate lighting and/or landscaping features.

##### (1) Parking Stall and Aisle Design

- (i) Parking stalls shall be located outside the sight zone at access locations. All parking stalls shall be oriented such that any vehicle exiting a parking stall is not required to back into any public street. Wheel or bumper blocks shall be provided, located, and arranged so that no part of any parked vehicle extends beyond the boundaries of the parking area and to ensure that the vehicle overhang does not obstruct sidewalks or other pedestrian walking areas.
- (ii) Parking stalls may be oriented at 0°, 30°, 45°, 60°, 75° or 90° to the parking aisle. Both stall and aisle dimensions and layout will vary depending on the stall orientation. The use of parking stalls oriented 90° to the building face with two-way aisles is generally preferred as this permits the most direct route between the parking stall and the building and minimizes auto/pedestrian conflicts adjacent to buildings.
- (iii) Where larger vehicles may be frequent users of the parking facilities, it is appropriate to increase the parking stall dimensions according to the dimensions and turning characteristics of the vehicle.
- (iv) Parking aisles shall be designed to accommodate the turning characteristics of the vehicles that will most commonly use the parking facilities. Dead-end parking aisles are prohibited without provision of an adequate turn around. Aisles should not exceed 300 – 350 feet in length without a break in circulation.

Parking Stall Dimensions and Layout			
Parking Angle	A	B	C
	Stall Width in Feet	Stall Length in Feet	Aisle Width in Feet
0	22.0	9.0	12.0
	22.0	9.5	12.0
	22.0	10.0	12.0
30	9.0	18.0	11.0
	9.5	18.0	11.0
	10.0	20.0	11.0
45	8.5	21.0	13.0
	9.0	21.0	12.0
	9.5	21.0	11.0
60	8.5	21.1	18.0
	9.0	21.0	16.0
	9.5	21.0	15.0
75	8.5	19.5	25.0
	9.0	19.5	23.0
	9.5	19.5	22.0
90	8.5	18.5	28.0
	9.0	18.5	25.0
	9.5	18.5	24.0

**(1) Accessible Parking for Physically Handicapped Persons**

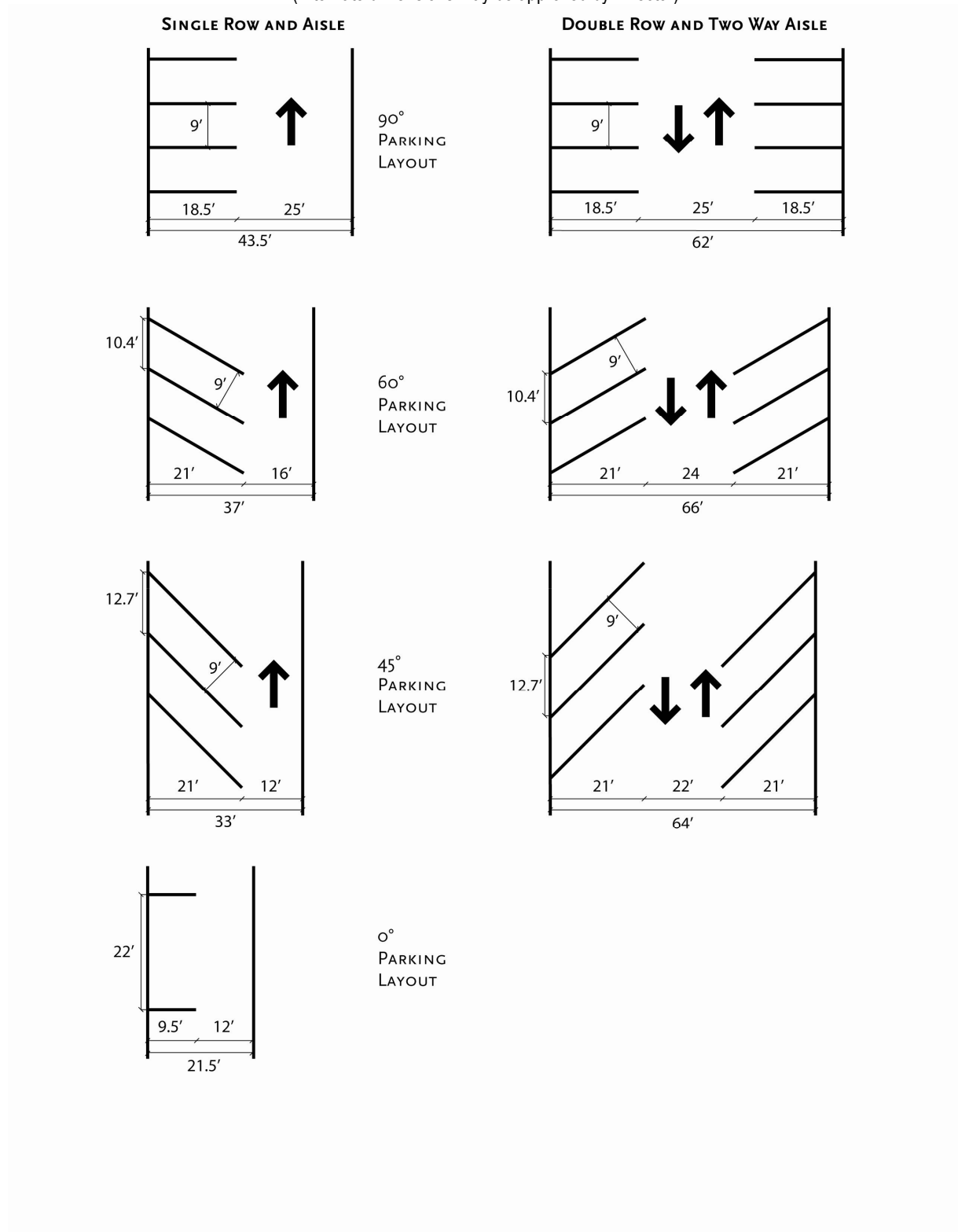
- (i) A portion of the required off-street parking spaces shall be specifically designated, located and reserved for use by persons with physical disabilities in accordance with Americans with Disabilities Act Accessibility Guidelines for Buildings and Facilities.
- (ii) Requirements for accessible parking spaces for physically handicapped persons are detailed in the City Standard Street Details and are also in the Federal Register found at <http://www.accessboard.gov/>.
- (iii) The additional width required for an accessible parking space may be created by reducing the width of an adjacent sidewalk area, provided the clear portion of the sidewalk width is not reduced below five feet, when providing accessible parking spaces in public right-of-way.
- (iv) The required parking spaces are detailed in the table below:

Total Spaces in Lot	Required Accessible Spaces
1 to 25	1
26 to 50	2
51 to 75	3
76 to 100	4
101 to 150	5
151 to 200	6
201 to 300	7
301 to 400	8
401-500	9
501 to 1000	2% of Total
1001 and over	20 + 1 for each 100 over 1000

**(2) Maximum Allowable Grades in Parking Lots**

Maximum grades allowed in parking lots shall be 8 percent.

**Typical Parking Layouts**  
 (Alternate dimensions may be approved by Director)



### 21.06.100 Private Streets, Shared Driveways and Loop Lanes

Private Streets may be considered as an alternative to residential public streets without a specific design exception if the standards in this section are met. Private streets have historically posed problems over time as they deteriorate and property owners do not realize the burden of maintenance is theirs. Application of the criteria established in this section should avoid problems encountered in the past with private streets and provide property owners some protection through a maintenance agreement and funding. The Shared Driveway (also called an "Autocourt") is a private street. The Loop Lane is intended as an alternative public street.

#### (a) Private Streets

The developer must conclusively demonstrate that a proposed private street:

- (1) Provides flexibility in residential street access due to design or topographic conditions and
- (2) Encourages more creative design including but not necessarily limited to the clustering of units in residential development and
- (3) Provides an immediate and continuing public benefit e.g., by reducing public street maintenance costs and
- (4) Provides a safe residential environment and
- (5) Promotes attractive streetscapes that give neighborhoods character and identity e.g., by allowing alternative street surfaces, finishes and designs

#### (b) Then private residential streets shall be allowed for residential development under the following conditions:

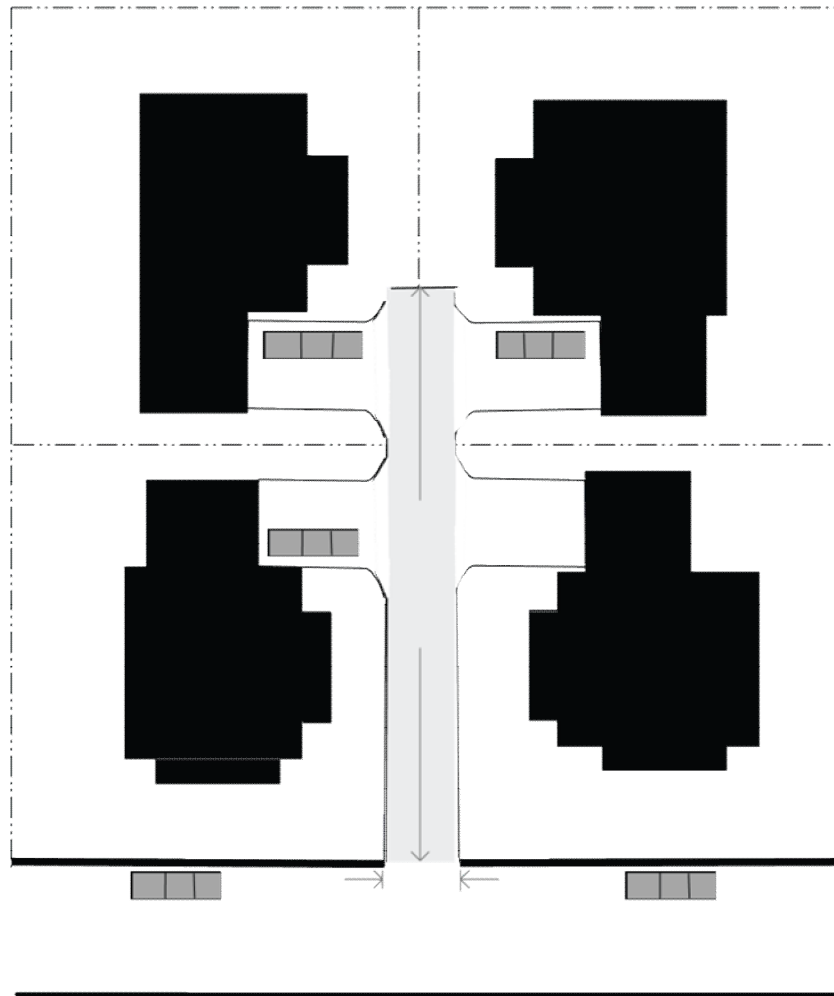
- (1) The maximum Annual Average Daily Traffic (AADT) of the proposed private street shall not exceed 250 trips per day as determined by the ITE – Trip Generation publication.
- (2) All traffic, including vehicular and pedestrian, exiting from private streets shall not adversely impact the existing and proposed transportation network. Pedestrian connections accessible by the general public shall be required within the proposed development. Pedestrian facilities shown on the Urban Trails Master Plan shall be provided by the developer.
- (3) A turnaround (i.e. cul-de-sac or other applicable and acceptable improvement) shall be required per the City or County's adopted street standard in effect at the time of the development. A "Y" or "T" turnaround may be acceptable if designed according to Fire Department access requirements.
- (4) Street cross sections shall conform to the adopted street standards. Streets with a minimum 20-foot wide pavement section may be allowed, if on-street parking is prohibited and adequate off-street parking is provided. Streets with no on-street parking shall be signed in accordance with the MUTCD. The developer shall execute and record an irrevocable covenant running with the land granting the City or County the right and power to enter the street for the purpose of enforcing the parking restriction.
- (5) If off-street parking is utilized, it shall conform to the following:
  - (i) It shall be provided at a rate of one space per two units plus at least four on-site parking spaces per dwelling. Two of these spaces may be in a garage or carport.
  - (ii) Off-street parking shall be located within 200 feet of any unit the private street serves.
  - (iii) Off-street parking shall be included within the same tract as the private street and shall be maintained by the homeowner's association.
- (6) The finished surface of the private street may be composed of variable surfaces such as brick, interlocking pavers, cobblestones or other similar finishes, designed by a Professional Engineer and as approved by the City or County Engineer.
- (7) Any and all private streets shall include concrete curb and gutter constructed to the City Standard Details.
- (8) A pedestrian trail system may be substituted for an attached sidewalk if adjacent properties could easily access the trail and the trail system links to other transportation and recreational trails or facilities within and outside of the immediate development. Trail width shall be no less than equal to the standard for a two-way off street bicycle path and shall be designed to the City Standard Details.
- (9) All entrances to garages shall be set back from the private street or pedestrian trail a minimum distance of 20 feet.
- (10) Utility and/or multipurpose easements may be required for a portion of, or the full width adjacent to the street section when necessary.
- (11) Private streets shall be platted in a tract dedicated to the Homeowner's Association.

- (12) A single Homeowners Association for all phases of the development shall be formed and established with the Secretary of State's Office prior to the recordation of a final plat that contains a private street.
- (13) The Homeowners Association shall establish an annual maintenance fund for the private street in accordance with the attached document titled "Maintenance Agreement." The agreement shall be recorded by the petitioner, with review and approval by the Public Works Department, prior to the recordation of the final plat.
- (14) The Homeowners Association shall be responsible to maintain a vegetation-free zone along the private street that is 20 feet in width (10 feet each side from the center of the street) and 13'-6" in height as measured from the paved surface of the street.
- (15) Each residential structure accessed from a private street shall have landscaped areas of at least ten (10) feet in width between the street and the structure except for the driveway to the garage.
- (16) An entrance design feature such as decorative paving, special signage or other conspicuous improvement shall be incorporated into the final design of the private street such that the design clearly distinguishes the private street from the public street.

**(c) Shared Driveway Standards**

The Shared Driveway or Autocourt is designed to provide access to lots where a full public street is not practical or economical. The number of shared driveways used in a subdivision is limited due to the undesirable lot layouts they often create, potential conflicts over shared common space, and private versus public maintenance cost issues. Shared driveways shall comply with the following standards.

- (1) A shared driveway shall be owned and maintained by the owners of the parcels or lots that abut the shared driveway. The shared driveway shall be platted in a tract dedicated to the property owners of the parcels that abut the shared driveway.
- (2) Not more than five single-family lots shall abut or touch any portion of the shared driveway and no more than five single-family units may access a shared driveway.
- (3) Shared driveways shall be a minimum of 16 feet wide flowline to flowline and a maximum of 150 feet long.
- (4) Parking on a shared driveway shall be prohibited.
- (5) A shared driveway may be used only where it intersects a street with on-street parking.
- (6) Each lot abutting a shared driveway shall provide four on-site parking spaces. For homes on shared driveways that access a cul-de-sac, five on-site parking spaces shall be provided. These additional spaces may be provided on the shared driveway if it is widened to accommodate such parking.
- (7) Each lot abutting a shared driveway shall access off of the shared driveway unless approved otherwise at the time of subdivision.
- (8) Shared driveways shall be designed to permit the ASHTO "P" design vehicle to back out of an individual driveway and turn 90 degrees in either direction on the shared driveway without any portion of the vehicle:
  - (i) Leaving the individual driveway from which the vehicle is exiting or the shared driveway; or
  - (ii) Entering on or over the individual driveways of any other residence.
- (9) The building setback adjacent to a shared driveway shall be the minimum setback required for that side of the property by the underlying zoning district or 15 feet, whichever is greater. All entrances to garages shall be set back a minimum distance of 20 feet from the shared driveway.
- (10) No fences or hedging taller than 30 inches shall be located within the setback adjacent to the shared driveway. Open fences are acceptable.
- (11) No gateways, locked entries or other restrictive access constraints are allowed across a shared driveway.
- (12) Finished surface may be composed of variable hard surfaces such as brick, interlocking pavers, cobblestones or similar finishes, designed by a Professional Engineer and as approved by the City or County Engineer.



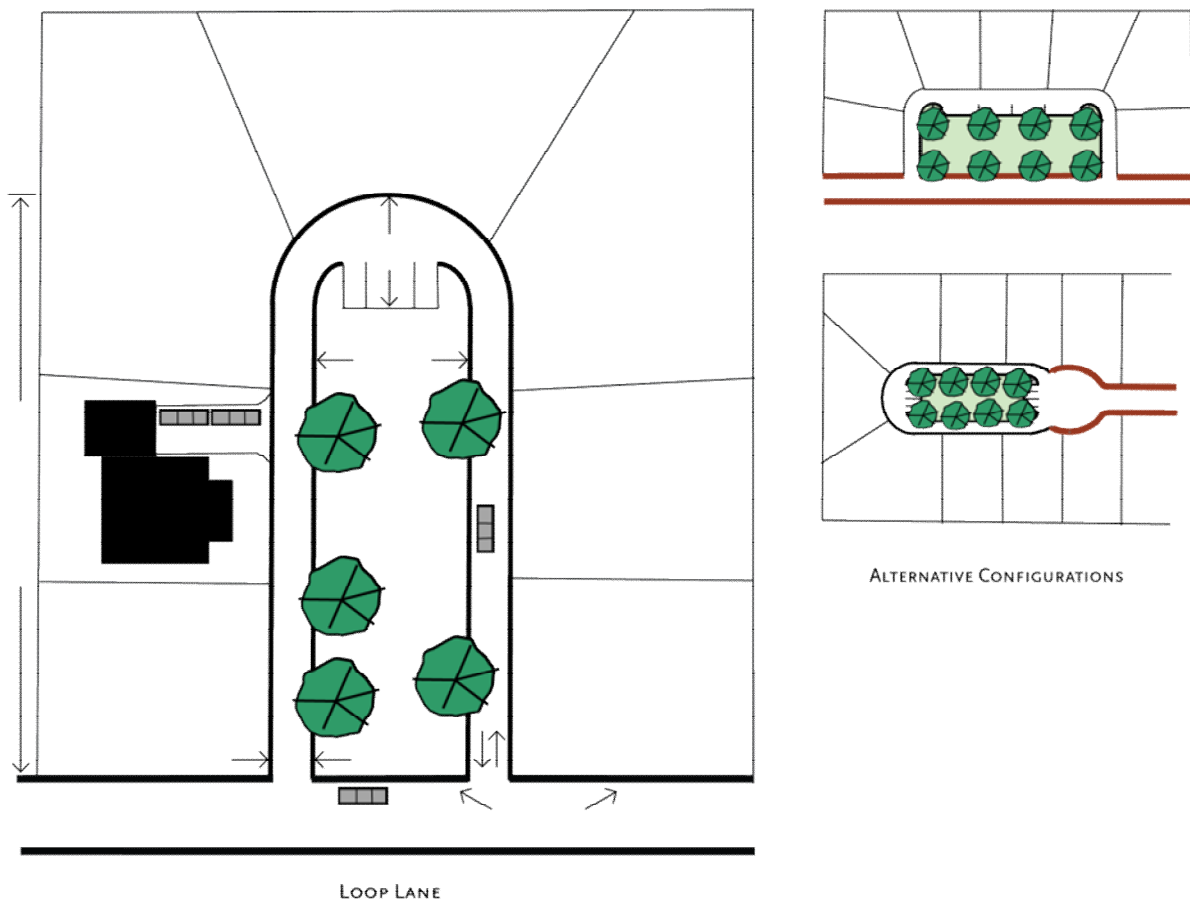
SHARED DRIVEWAYS

**(d) Loop Lane Standards**

A Loop Lane is an alternate street design that provides a turnaround in place of a cul-de-sac. The loop lane is desirable because it allows for additional open space/park area instead of an expanse of asphalt paving found in a standard cul-de-sac. Loop Lanes shall comply with the following standards. Any variation from these specifications shall require a Design Exception as described in TEDS Chapter 14.

- (1) A maximum of seven homes may access off the loop.
- (2) The minimum loop lane is 16 feet from flowline to flowline and shall consist of a paved surface with roll-over curb and gutter on at least one side and a roll-over curb or vertical curb on the other side.
- (3) No curve on any portion of the flowline of the loop lane shall have an inside radius of less than 33 feet and an outside radius of less than 48 feet.
- (4) No portion of the loop lane shall extend more than 250 feet from the abutting street right-of-way.
- (5) A minimum separation of 66 feet is required between the right-of-way on each side of the loop.
- (6) Four guest-parking spaces, located in the public right-of-way, are required at the end of the loop. The parking area is reserved for guest parking and shall not be used for the parking of residents' vehicles and/or recreation vehicles for more than a 24-hour period.

- (7) The loop lane and parking shall be dedicated to and maintained by the City. The right-of-way shall extend 1 foot beyond the curb on the park side of the lane and 1 foot beyond curb on outside edge of the lane.
- (8) A 14 feet multi-purpose easement shall be dedicated on the outside edge of the lane. The park may be used for stormwater detention.
- (9) The loop shall provide for two-way traffic.
- (10) 'No parking' signs shall be installed and maintained so that no parking is allowed between the curbs on any traveled portion of the loop lane, except the guest parking area.
- (11) Corner lots with frontage on the loop lane and the abutting street shall be required to access from the loop lane only.
- (12) Each residence shall provide and maintain four off-street parking spaces, two of which may be within a garage or carport. No front loading garage or carport may be closer than 30 feet to the front lot line. Side loading garages or carports may be 25 feet from the front property line. Individual driveways must have a 5 feet radius fillet on driveway corners.
- (13) The front yard setback for the house is 15 feet from the right-of-way (16 feet from the curb).
- (14) Lots on the loop lane may be 20 percent smaller and the rear setback can be 10 feet less (10 feet minimum) then as required by the zone district.
- (15) The park shall be owned and maintained by the Homeowner Association, subject to any easements.
- (16) No gateways, locked entries or other access constraints are allowed across the loop lane.
- (17) A sidewalk is required only where the park abuts a street other than the loop.
- (18) The developer shall landscape the park and provide an irrigation system in accordance with the Zoning and Development Code.







## Chapter 21.07 Special Regulations

### 21.07.010 Flood Damage Prevention

#### (a) Purpose

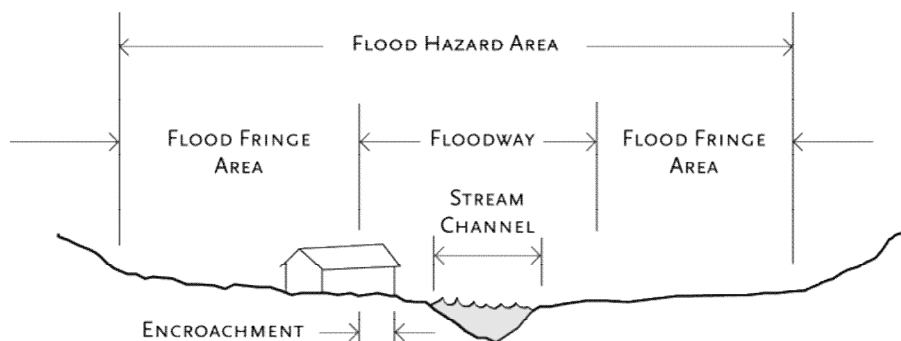
Flood damage prevention regulations promote the public health, safety and general welfare and minimize public and private losses due to flooding. The regulations are designed to:

- (1) Protect human life and health;
- (2) Minimize expenditure of public money for costly flood control projects;
- (3) Minimize the need for rescue and relief efforts associated with flooding;
- (4) Minimize prolonged business interruptions;
- (5) Minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges;
- (6) Help maintain a stable tax base by providing for the sound use and development of areas of special flood hazard so as to minimize future flood blight areas;
- (7) Ensure that potential buyers are notified that property is in an area of special flood hazard; and
- (8) Ensure that those who occupy the areas of special flood hazard assume responsibility for their actions.

#### (b) Methods and Provisions for Flood Damage Prevention

In order to accomplish its purposes, this Section includes methods and provisions for:

- (1) Restricting or prohibiting uses which are dangerous to health, safety and property because of water or erosion hazard;
- (2) Restricting or prohibiting uses which result in damaging increases in erosion or in flood heights or velocities;
- (3) Requiring that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;
- (4) Controlling the alteration of natural floodplains, stream channels and natural protective barriers which help accommodate or channel flood waters;
- (5) Controlling filling, grading, dredging and other practices which may increase flood damage; and,
- (6) Preventing or regulating the construction of flood barriers which will unnaturally divert floodwaters or which may increase flood hazards in other areas.



#### (c) General Provisions

- (1) This Chapter applies to all areas of special flood hazard within the City.
- (2) Basis for Establishing the Areas of Special Flood Hazard. The Federal Emergency Management Agency has identified areas of special flood hazard in a scientific and engineering report entitled, "The Flood Insurance Study for Grand Junction," dated July 6, 2010. The study together with the Flood Insurance Rate Map (FIRM) is hereby adopted by reference and declared to be a part of this Code. The FIRM may be superseded by local engineering

studies approved by the Director, provided such studies fully describe and analyze, based on the FIRM and generally accepted engineering practice, design floodwater build-out conditions.

- (3) **Compliance**  
No structure shall be constructed, located, extended, converted or altered without full compliance with the terms of this Section and other applicable regulations. No land shall be developed without full compliance with the terms of this Section and other applicable regulations.
- (4) This Section does not and it is not intended to repeal, abrogate or impair any existing easements, covenants or deed restrictions. If this Section and another ordinance, easement, covenant or deed restriction conflict or overlap, whichever imposes the more stringent restrictions on use and development shall prevail and be applied.
- (5) All terms and provisions of this Section shall be:
  - (i) Considered as minimum requirements;
  - (ii) Liberally construed in favor of the City; and,
  - (iii) Deemed neither to limit nor repeal any other powers granted or reasonably construed or interpreted under law, charter, rule or regulation.
- (6) **Warning and Disclaimer of Liability**  
The degree of flood protection required by this Section is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur. Flood heights may be increased because of man-made or natural causes. This Section does not imply that land outside the areas of special flood hazard or uses permitted within such areas will be free from flooding or flood damages. This Section shall not create liability on the part of the City, or any officer or employee thereof, or the Federal Emergency Management Agency for any flood damage that results from reliance on this Section or any administrative decision lawfully made hereunder.
- (7) The flood carrying capacity within an altered or relocated portion of any watercourse shall be maintained.
- (8) The Director of Public Works and Planning shall maintain records obtained as part of a Floodplain Development Permit, including but not limited to, the lowest floor and floodproofing elevations for new and substantially improved construction.
- (9) In riverine situations, notice shall be given by the Director of Public Works and Planning to an adjacent community(ies) prior to any alteration or relocation of a watercourse.

**(d) Provisions for Flood Hazard Reduction**

**(1) General Standards**

The following standards shall apply to all property located in special flood hazard areas:

**(i) Anchoring**

- (A) All new construction and substantial improvement shall be anchored to prevent flotation, collapse or lateral movement of the structure and as anchored be capable of resisting the hydrostatic and hydrodynamic loads.
- (B) All manufactured homes shall be elevated and anchored to resist flotation, collapse or lateral movement and as anchored is capable of resisting the hydrostatic and hydrodynamic loads. Methods of anchoring may include, but are not limited to, over the top or frame ties to ground anchors. This requirement is in addition to applicable state and local anchoring requirements for resisting wind forces. Specific requirements may be:
  - a. Over the top ties provided at each of the four corners of the manufactured home, with two additional ties per side at intermediate locations, with manufactured homes less than 50 feet long requiring one additional tie per side;
  - b. Frame ties provided at each corner of the home with five additional ties per side at intermediate points, with manufactured homes less than 50 feet long requiring four additional ties per side;
  - c. Each component of the anchoring system shall be capable of carrying a force of 4,800 pounds; and
  - d. Any addition to the manufactured home shall be similarly anchored.

**(ii) Construction Materials and Methods**

- (A) All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.
- (B) All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage.
- (C) All new construction and substantial improvements shall be constructed with electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during flooding.

**(iii) Utilities**

- (A) All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;
- (B) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharge from the systems into flood waters; and
- (C) On site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

**(iv) Subdivision Proposals**

- (A) All subdivision proposals shall be consistent with the need to minimize flood damage;
- (B) All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage;
- (C) All subdivision proposals shall have adequate drainage provided to reduce exposure to flood damage; and
- (D) Base flood elevation data shall be provided for subdivision proposals and other proposed development which contain at least 50 lots or five acres (whichever is less).

**(2) Specific Standards**

The following provisions, as determined from base flood elevation data, are required for all special flood hazard areas:

- (i) New construction and substantial improvement of any residential structure shall have the lowest floor (including basement) elevated at least one foot above the base flood elevation.
- (ii) New construction and substantial improvement of any commercial, industrial or other nonresidential structure shall either have the lowest floor (including basement) elevated at least one foot above the level of the base flood elevation; or, together with attendant utility and sanitary facilities, shall:
  - (A) Be flood-proofed so that below the base flood elevation the structure is watertight with walls being substantially impermeable to the passage of water;
  - (B) Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy; and,
  - (C) Be certified by a Colorado registered professional engineer. The certification shall state that the design and methods of construction are in accordance with accepted standards of practice and meet the minimum provisions of this Code. Such certifications shall be provided to and reviewed by the Director.
- (iii) **Openings in Enclosures Below the Lowest Floor**  
 For all new construction and substantial improvements, fully enclosed areas below the lowest floor that are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement shall be certified by either a Colorado registered professional engineer or architect must meet or exceed the following minimum criteria:
  - (A) A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided;
  - (B) The bottom of all openings shall be no higher than one foot above grade;
  - (C) Openings may be equipped with screens, louvers, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

**(iv) Manufactured Homes**

- (A)** All manufactured homes that are placed and/or substantially improved on a site:
- a.** Outside of a manufactured home subdivision;
  - b.** In a new manufactured home park or manufactured home subdivision;
  - c.** In an expansion to an existing manufactured home park or manufactured home subdivision; or
  - d.** On an existing manufactured home park or manufactured home subdivision on which a manufactured home has incurred substantial damage as a result of a flood.
- (B)** Shall be anchored and elevated on a permanent foundation such that the lowest floor of the manufactured home is at least one foot above the base flood elevation.
- (C)** The manufactured home shall be securely anchored to an anchored foundation system in order to resist flotation, collapse and lateral movement; and
- (D)** Manufactured homes that are placed or substantially improved on sites in existing manufactured home parks or manufactured home subdivisions that are not subject to the provisions of this paragraph shall be elevated so that either:
- a.** The lowest floor of the manufactured home is at least one foot above the base flood elevation; or
  - b.** The manufactured home frame or chassis is supported by reinforced piers or other foundation elements that are no less than 36 inch in height above grade and securely anchored to an anchored foundation system in order to resist flotation, collapse and lateral movement.

**(v) Recreational Vehicles**

Recreational vehicles occupied, as a temporary dwelling in a special flood hazard area shall:

- (A)** Be on the site for fewer than 180 consecutive days; or
- (B)** Be fully licensed and ready for highway use; or
- (C)** Meet the permit requirements, elevation, and anchoring requirements for resisting wind forces.

**(3) Floodways**

A floodway is an area within a special flood hazard area. The floodway is extremely hazardous due to the velocity of floodwaters, debris and erosion potential. To mitigate those hazards the following provisions apply:

- (i)** Encroachments, including fill, new construction, substantial improvements and other development are prohibited unless a Colorado registered professional engineer or architect certifies in writing that encroachments will not result in any increase in flood levels during the occurrence of the base flood discharge.
- (ii)** All new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of this Section.

## 21.07.020 Environmental/Sensitive Lands Regulations

### (a) Purpose

Environmental and sensitive lands (ESL) regulations shall apply to identified hazard areas and/or lands, which have or may have specific environmental conditions. The intent of this regulation is to:

- (1) Guide development and land use within these areas;
- (2) Protect the public from avoidable financial expenditures for hazard control projects, hazard relief measures and damages to public utilities, streets and bridges;
- (3) Protect people and property and minimize damage from possible hazards; and
- (4) Provide a mechanism by which people owning/purchasing land can gain information about the land and whether the land is suitable for development.

### (b) Applicability

The provisions of Chapter 21.07, in addition to any other applicable regulation, shall apply to a planned development outline development plan, preliminary subdivision plat or simple subdivision for environmental and sensitive lands. Chapter 21.07 shall not apply to the following:

- (1) Development of a single family home on any lot or parcel in existence as of the effective date of this Code;
- (2) State, county or City highway personnel engaged in constructing or effecting repair of bridges and/or roads;
- (3) Colorado Division of Wildlife and/or US Fish and Wildlife Service engaged in habitat improvement; and
- (4) Railroad personnel engaged in constructing or effecting repair of bridges and track.

### (c) General Requirements

- (1) The Director shall administer this Code making any necessary interpretations of maps and other documents or information necessary or required, to determine among other things the boundaries of geologic and wildfire hazard areas.
- (2) Any development application involving a property with a known or suspected geologic hazard shall be submitted by the Director for review by the Colorado Geological Survey.
- (3) Any development application involving a property with a known or suspected wildfire hazard shall be submitted by the Director for review by the State Forestry Service.
- (4) Protection from or against hazard or loss by the application of this regulation is not guaranteed. The analysis and recommendations are based on engineering and scientific studies, which are reasonably believed to be accurate and complete. A review consistent with this regulation does not guarantee, either expressly or impliedly that areas outside of established hazard boundaries or uses permitted within hazard boundaries will be free from damage or that people will be free from death or injury caused by know or unknown hazards. Application of this regulation to any development shall not create any liability on the part of or create a cause of action against, the City or any officer or employee thereof.

### (d) Wildfire Standards

#### (1) Defensible Space

Any new residential development on or adjacent to land that is predominantly woods, brush or grasslands, shall be developed to minimize the potential for the buildings to be ignited by wild fire and for a building fire to ignite surrounding woods, brush or grasslands. In addition to all other applicable regulations woods, brush or grassland development shall be developed with the area surrounding each dwelling unit modified and managed using a two-area system as follows:

- (i) Area 1. Area 1 shall consist of a 30 foot area immediately surrounding the dwelling unit, not to extend beyond the property line. No dead trees or other dead vegetation may remain in Area 1 at the time of initial sale or initial construction, whichever is first. Area 1 shall be further subdivided into two segments:
  - (A) Segment A shall consist of the five feet immediately surrounding all sides of the dwelling unit. All vegetation shall be removed from this area at the time of initial sale or construction, whichever is first. No new vegetation shall be planted in Segment A if the structure is sided with combustible materials such as wood or logs. If noncombustible siding is used, however, low-growing shrubs may remain or

be installed. In no case shall shrubs be planted so as to be continuous with grass. No propane tanks may be installed in Segment A and no firewood or other combustible materials may be stored there.

- (B) Segment B shall consist of the 25 feet immediately beyond Segment A. At the time of initial sale or initial construction, whichever occurs first, all installed trees within Area 1 shall be located, and all existing vegetation shall be thinned, as follows to break up the horizontal and vertical continuity of fuels:

- a. Spacing between clumps of brush or trees, as measured between the crown of each clump, shall be no closer than two times the height of the taller clump. The maximum width of any clump of brush or trees shall be no greater than two times the height of the clump. Thinned material shall be removed from the site.
- b. All branches of trees or brush shall be pruned to a minimum height of ten feet above the ground or one-half the total height of the tree or bush, whichever is less. Pruned material shall be removed from the site.
- c. Propane tanks and firewood may be located in Segment B, but in no case shall such tanks be located within 20 feet of the primary structure. Propane tanks shall be located on gravel pads and shall not be located immediately adjacent to grass-covered areas.

- (ii) Area 2. Area 2 shall consist of the area immediately beyond Area 1 and extending to 75 feet from the principal structure, not to extend beyond the property line. Trees shall be initially thinned in this area to maintain a minimum of five feet between tree crowns at maturity. All dead trees must be removed from Area 2 prior to initial sale or initial construction, and subsequent dead trees shall be removed annually, except that two dead trees per acre may remain to serve as wildlife habitat.

**(2) Maintenance**

Persons owning, leasing or otherwise maintaining new dwelling units covered by provisions of this Code are responsible for proper maintenance of the defensible space. Maintenance of the defensible space shall include modifying or removing flammable vegetation and keeping leaves, needles and other dead vegetative material from accumulating on roofs of structures.

**(e) Wildlife Habitat Protection**

- (1) Prior to development of a moderate, high or very high potential for impact category parcel, as shown on the 1999 Wildlife Composite Map for the urban area or an amended map approved by the City, the Developer shall consult with the Colorado Division of Wildlife to substantiate the basis for the potential impact and to address various, specific measures to avoid, minimize, or mitigate negative impacts to wildlife and/or habitat.
- (2) New structures shall not be located within 100 feet of the floodways of the Colorado or Gunnison Rivers or as recommended by the Colorado Division of Wildlife. Roads, trails, recreation access sites, bridges, fences, irrigation and water diversion facilities, erosion and flood control devices, underground utilities, and similarly necessary structures may be located within this setback, if necessary. The installation of these structures shall comply with all other applicable federal, state, and local regulations.

**(f) Hillside Development**

- (1) Hillside development standards are applicable to hillside development and excavation of hillside so that:
  - (i) Soil and slope instability and erosion is minimized;
  - (ii) The adverse effects of grading, cut and fill operations are minimized;
  - (iii) The character of the City's hillsides are preserved; and
  - (iv) The public's interest is protected.
- (2) The provisions hereof are designed to accomplish the following:
  - (i) Prohibit development or uses which would likely result in a hazardous situation due to slope instability, rock falls, or storm water runoff and excessive soil erosion;
  - (ii) Minimize the threat and consequent damages resulting from hillside area fires by establishing fire protection measures and adequate emergency vehicle access;
  - (iii) Preserve natural features, wildlife habitats, natural vegetation, trees and other natural plant formations;
  - (iv) Provide for safe vehicular circulation and access to recreation areas, natural drainage channels, paths and trails;

- (v) Encourage the location, design and development of building sites in a manner that will provide for greater aesthetic appeal, blend with the slopes and hillside terrain, minimize the scarring and erosion effects of cutting, filling and grading of hillsides and prohibit development of ridge lines as defined; and
- (vi) Encourage preservation of open space by encouraging clustering or other design techniques to preserve natural terrain, views and vistas.

**(3) Hillside Development Standards**

In furtherance of the purposes set forth, any hillside development shall comply with the tables below. Any portion of a development having a slope greater than 30 percent with an elevation change of 20 feet or greater shall not be included in calculation of the area of such parcel for the purposes of determining conformity with the minimum lot parcel size and density requirements below.

SINGLE FAMILY, PLANNED AND CLUSTER SUBDIVISION DEVELOPMENT		
Average Slope of Development Area	Minimum Lot Size 1	Minimum Lot Width
0% - 10%	See Existing Zone	See Existing Zone
10.01% - 20%	10,000 sq. ft.	At least 100 ft. at front setback line
20.01% - 30%	15,000 sq. ft.	At least 200 ft. at front setback line
30.01% +	Development Not Permitted <sup>2</sup>	Development Not Permitted <sup>2</sup>

1 Minimum lot size as finally approved.

2 Development on slopes of greater than 30 percent is not permitted unless, after review and recommendation by the Planning Commission and approval by the City Council, it is determined that:

- Appropriate engineering measures will be taken to minimize the impact of cuts, fills, erosion and storm water runoff consistent with the purpose of this Section; and
- The Developer has taken reasonable steps to minimize the amount of hillside cuts and also has taken measures to mitigate the aesthetic impact of cuts through Landscaping or other steps.

Note: Maximum Setback for Single-Family Dwelling Structures – 150' from Public or Private Street

MULTIPLE DWELLING UNITS		
Average Slope of Development Area	Minimum Lot Width	Maximum Density
0% - 10%	See Existing Zone	See Existing Zone
10.01% - 20%	100 feet	Maximum density of underlying zone x 0.80 unless clustered
20.01% - 30%	100 feet	Maximum density of underlying zone x 0.60 unless clustered
30.01% +	Development Not Permitted <sup>1</sup>	Development Not Permitted <sup>1</sup>

1 Development on slopes of greater than 30 percent is not permitted unless, after review and recommendation by the Planning Commission and approval by the City Council, it is determined that:

- Appropriate engineering measures will be taken to minimize the impact of cuts, fills, erosion and storm water runoff consistent with the purpose of this Section; and
- The Developer has taken reasonable steps to minimize the amount of hillside cuts and also has taken measures to mitigate the aesthetic impact of cuts through Landscaping or other steps.

- (4) Unless otherwise approved by Planning Commission, for property with slopes in excess of 20 percent, Development may, as determined by the Director, be clustered on the portion of the site with slopes less than 20 percent. Clustering may be achieved by concentrating the number of units or by concentrating the amount of square footage allowed for the entire site on that portion of the property with less than 20 percent slope. See also Section 21.03.060, Cluster Developments.

**(5) Determination of Slope and Slope Areas**

Slope shall be determined on a parcel by parcel basis if the slope is not generally uniform. The Director may allow some incursion hillside disturbance between slopes. Such incursions shall not exceed 20 feet unless, upon recommendation of the Planning Commission, the City Council finds that a greater incursion is consistent with the purposes of this Section. All property with a slope greater than 30 percent shall be excluded from the calculation of development area for purposes of determining hillside disturbance and density/intensity limitations. Natural slope delineation for the purposes of this Section shall be determined as follows:



- (i) Contour intervals, maps and calculations required to determine the natural slope shall be prepared by the applicant and shall be submitted with the development application.
- (ii) Contour maps shall be prepared and certified by a licensed professional engineer or licensed surveyor showing contours at intervals no greater than two feet (the Contour Map).
- (iii) A qualified professional shall prepare all reports, documents, maps, reports and calculations. The basis of the information used/analyzed shall be conspicuously disclosed thereon. Each report shall include a current statement of the professionals' certifications, credentials and qualifications to prepare the report.
- (iv) The Director may require that the applicant perform a field survey to verify the accuracy of the contour lines shown on the contour map.
- (v) The contour map shall identify profile lines, which shall be used for performing the field survey. Profile lines shall be perpendicular to contour lines and in no case occur at intervals greater than 150 feet apart or 75 feet from a property line.

**(6) Determination of Slope Areas/Density Calculation**

Using the field survey, slopes shall be calculated in horizontal intervals no greater than 40 feet. Points identified as slopes, as listed above, shall be located on the contour map and connected by a continuous line. The area bounded by the lines and intersecting property lines shall be used for determining dwelling unit density.

**(7) Street Design**

The TEDS Manual shall apply to all hillside development except that:

- (i) Streets, roads, driveways and other vehicular routes shall not traverse property having a slope greater than 30 percent unless, after review by the Planning Commission and approval by the City Council, it is determined that:
  - (A) Appropriate engineering measures will be taken to minimize the impact of cuts, fills, erosion and storm water runoff consistent with the purposes of this Section; and
  - (B) The Developer has taken reasonable steps to minimize the amount of hillside cuts and taken measures to mitigate the aesthetic impact of cuts through the use of landscaping and other mitigation measures acceptable to the Director.
    - a. Existing vegetation, where streets are to be located, shall be preserved to the greatest extent possible. As much as possible street alignment should follow the natural terrain.
    - b. Upon the favorable recommendation of the Director sidewalk construction may be waived by the Planning Commission when the Planning Commission finds that sidewalk construction would result in excessive grading and/or cut/fill of slopes.
    - c. Vertical or drive-over, curb and gutter, as determined by the Director, shall be installed along all public streets.

**(8) Joint Development Applications**

Multiple owners of hillside property, whether or not such property is contiguous, may file a joint development application for all such property or the City Council may direct the Director to file such an application on behalf of the City.

- (9) For all purposes of this Chapter, such property shall be treated as a single development parcel.
- (10) Development permitted on such property, pursuant to this Chapter, may be clustered on any one or more of the parcels under such joint application subject to the requirements and limitations of this Chapter. The provisions of this Section shall not allow variance in the use requirements of the underlying and existing zoning category for the receiving parcel and may not result in a violation of the purposes of these regulations.

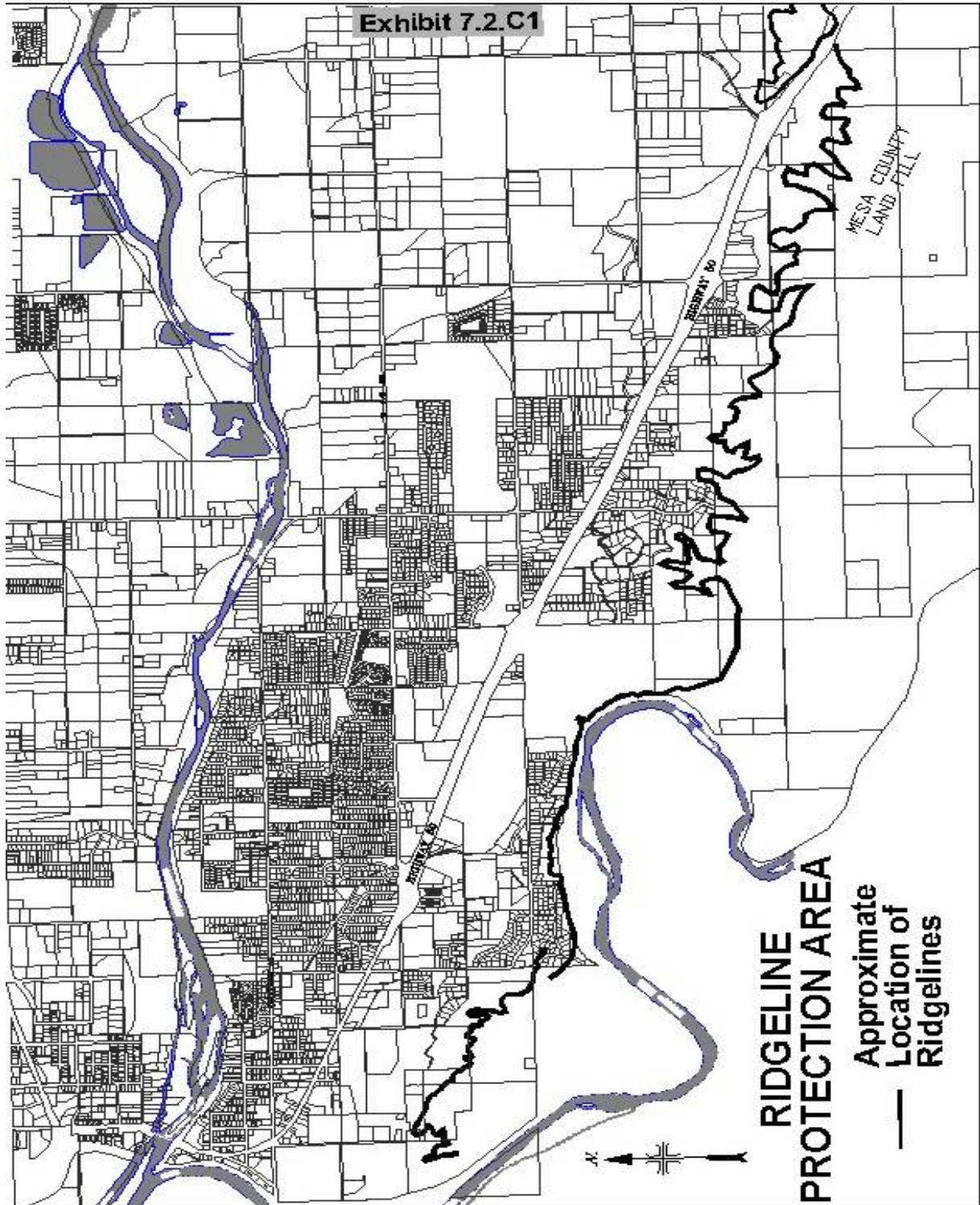
**(g) Ridgeline Development**

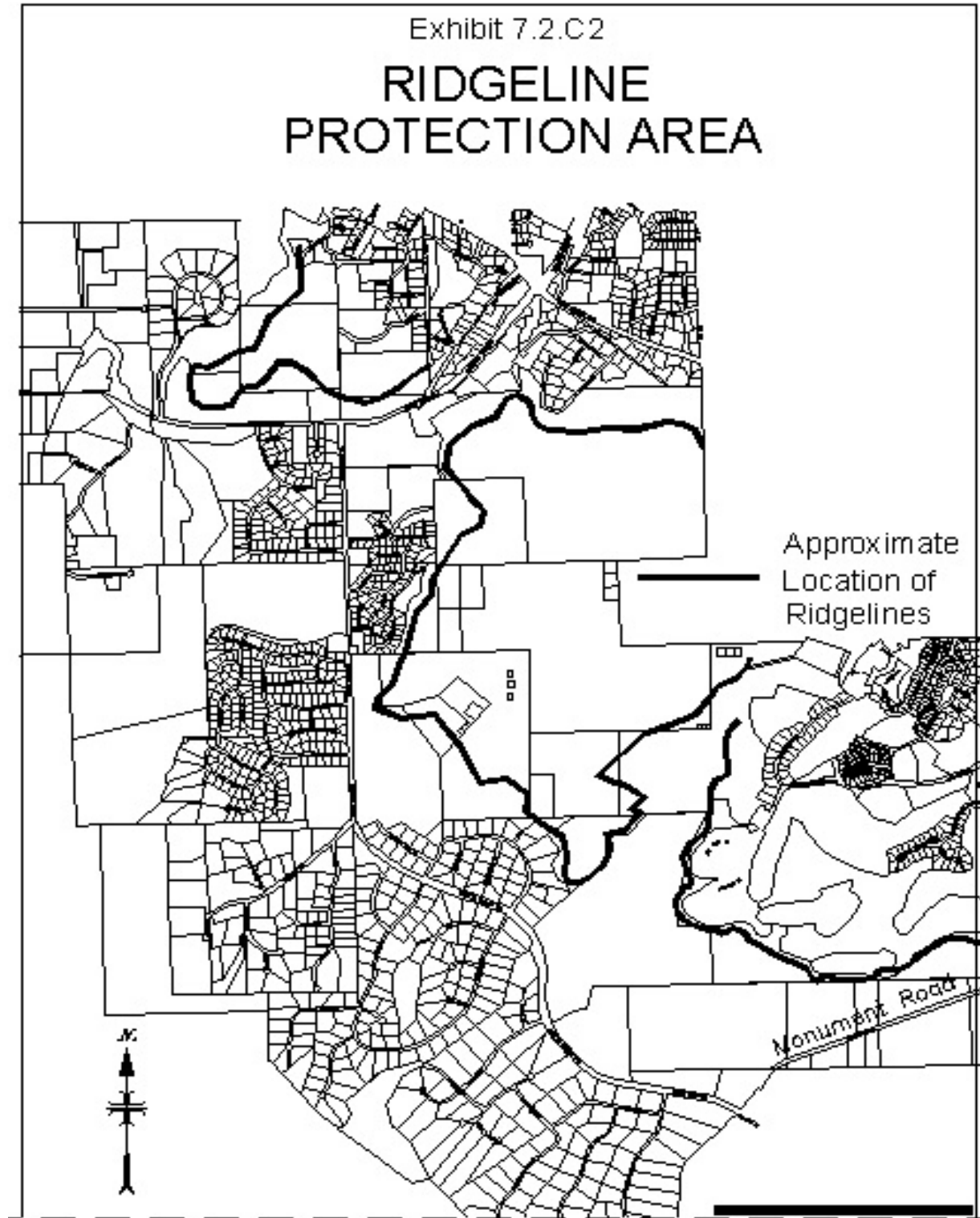
The City recognizes the value of its visual resources and amenities. The purpose of the ridgeline development standards is to preserve the character of the identified ridgelines and to minimize soil and slope instability and erosion. Ridgeline Development Standards include the following:

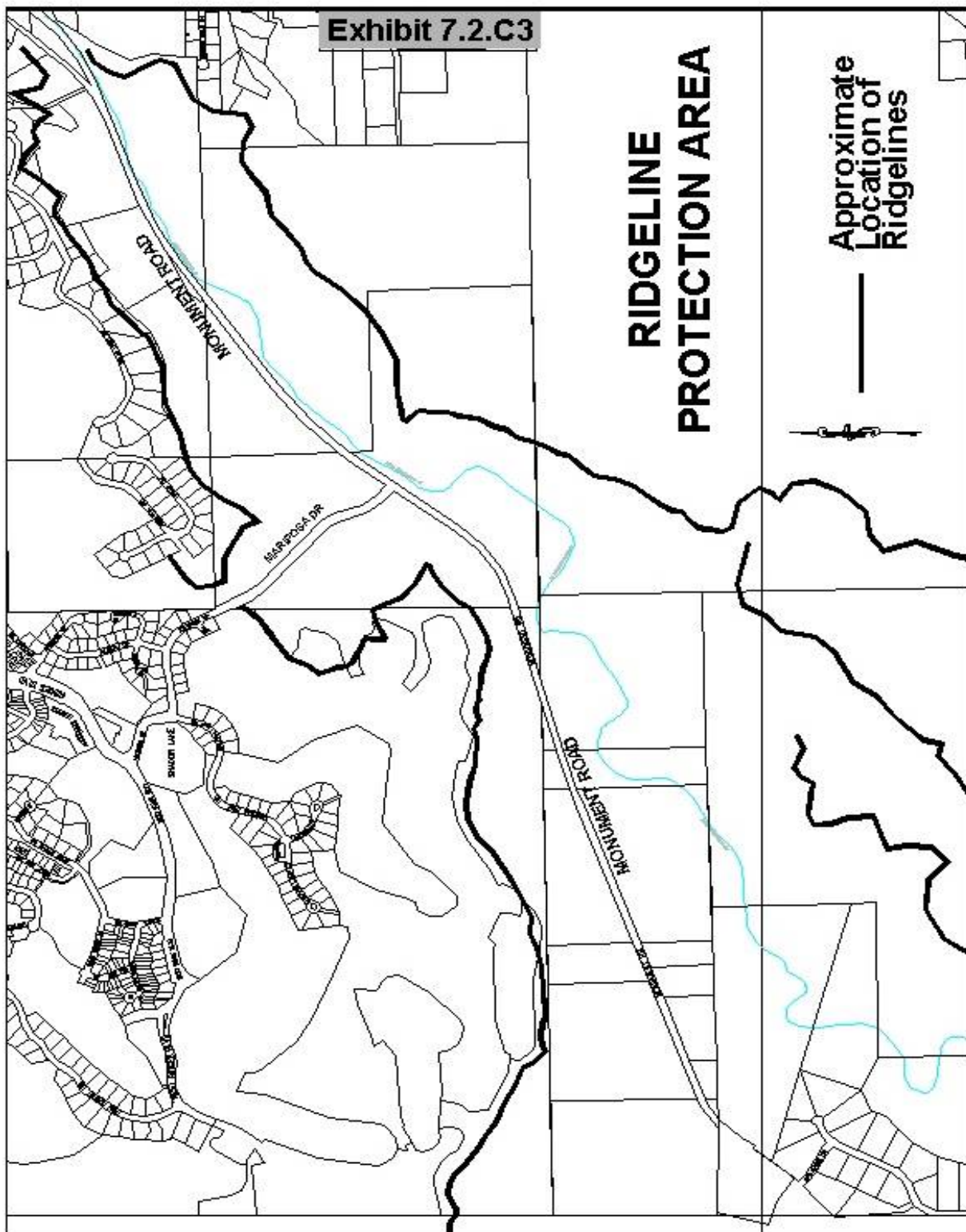
- (1) For all lots platted within the mapped ridgeline protection area shown on Exhibits 7.2.C1, C2 and C3, buildings, fences and walls shall be setback a minimum of 200 feet from the ridgeline.
- (2) This setback shall not apply if the applicant produces adequate visual representation that a proposed new structure will not be visible on the skyline as viewed from the centerline of the mapped roads or that mitigation will be provided. Mitigation techniques might include:



- (i) Earth tone colors to blend with the surrounding area;
  - (ii) The use of non-reflective materials;
  - (iii) Vegetation to screen and soften the visual impact of the structure; and/or
  - (iv) A reduction of building height or the “stepping” of the building height; or
  - (v) Other means that minimizes the appearance from the road corridor.
- (3) In no case shall the setback be less than 30 feet from the Ridgeline. This regulation shall not apply to existing structures or lots platted prior to the effective date of this Code or to fences constructed primarily of wire.
- (4) The required setback shall be measured to the building envelope, to be established at the time of platting.
- (5) Line of sight shall be measured from the centerline of the road most parallel to the ridgeline at the point most perpendicular to the center of the lot.
- (6) Ridgeline shall be determined on a site-specific basis and shall be that point at which the line of sight is tangent with the slope profile.









**(h) Natural Resources**

Natural resources, especially mineral resources, shall be protected. In the event that development is proposed in an area of known mineral deposits, the applicant shall provide an estimate of the economic value of the on-site mineral resources. This estimate shall be prepared by a registered engineer and submitted prior to approval of development. The City Council shall make an evaluation of the value of both the resource and the cost of extraction prior to development of the property. The City Council may delay development approval until extraction has been accomplished or protection provided within the design of the development.

**(i) Geologic Hazard Maps**

- (1)** The Colorado Geological Survey (CGS) has identified geologic hazard areas. The CGS maps, together with explanatory text, references and supporting and supplemental studies, results and findings delineating the boundaries of geologic hazard areas are incorporated into this Code by reference.
- (2)** The CGS maps approximate the boundaries of hazard areas. The maps shall primarily provide notice to the Director, Planning Commission, City Council and the applicant, that geologic hazards may exist and if so require consideration prior to and if approved, during development. Precise boundaries and determination of hazard require on site evaluation by qualified professionals. The Director may require a detailed engineering analysis, study and/or report if a hazard is known or reasonably believed to exist. The engineering analysis, study and/or report, if required, may as determined by the Director, be required to include a map of the extent of the hazard, a definition of its degree severity, a determination of the frequency of occurrence/reoccurrence, an evaluation of the compatibility of the proposed land use and consideration of the means and methods of hazard mitigation.
- (3)** Hazard mitigation is not intended to categorically preempt development but development may occur only if mitigation is appropriate and proportionate to the severity and frequency of the hazard.
- (4)** Mitigation techniques, which may be acceptable, are:
  - (i)** Avoidance of the hazard area;
  - (ii)** Retaining walls, fill, rock bolting, pilings;
  - (iii)** Diversion, channeling, damming, barriers;
  - (iv)** Excavation of unstable areas, bridging of weak zones, proper distribution of loading;
  - (v)** Improvement of surface and subsurface drainage.
- (5)** Mitigation plans shall be prepared and stamped by a Colorado registered, professional engineer.

**(j) Environmental Audit**

A Phase I environmental audit shall be required for any property dedicated or deeded to the City. The City may require additional investigation.

### 21.07.030 Airport Environs Overlay Zoning District (AE)

**(a) Purpose**

The Airport Environs Overlay Zoning District (AE) is hereby created with the following purposes:

- (1) To protect the public health, safety and welfare by regulating development and land use within noise sensitive areas and airport hazard areas;
- (2) To ensure compatibility between Grand Junction Regional Airport and surrounding land uses; and
- (3) To protect the airport from incompatible encroachment.

**(b) Overlay District**

The Airport Environs Overlay Zoning District (AE) shall serve as an overlay zoning that applies additional standards and requirements to properties located within an underlying zoning district. In case of conflicting standards and requirements, the more stringent standards and requirements shall apply.

**(c) Airport Environs Overlay Maps**

Airport Environs Overlay Maps referred to in this Code are on file at the Public Works and Planning Department. The maps are incorporated by this reference as if fully set forth.

**(d) Airport Environs Subdistricts**

The Airport Environs Overlay Zoning (AE) is comprised of four subdistricts. The subdistricts represent a determination by the Federal Aviation Administration (FAA) of differing levels of expected noise impact and hazard from aircraft overflight. If any parcel is within more than one subdistrict, the more restrictive subdistrict determination shall apply. The subdistricts are as follows:

**(1) Area of Influence (Subdistrict A)**

An area surrounding the airport impacted or influenced by proximity of the airport, either by aircraft overflight, noise and/or vibrations.

**(2) Noise Zone (Subdistrict B)**

Includes the area within the 65 Ldn to 70 Ldn noise-exposure area as shown in the Grand Junction Regional Airport Master Plan.

**(3) Critical Zone (Subdistrict C)**

A rectangular-shaped zone located directly off the end of a runway's primary surface, beginning 200 feet from the end of the pavement, which is critical to aircraft operations (i.e. more apt to have accidents within it because of the takeoff and landing mode in that particular area) as shown in the Grand Junction Regional Airport Master Plan.

**(4) Clear Zone (Subdistrict D)**

A triangular-shaped zone located directly off the end of a runway's primary surface, beginning 200 feet from the end of the pavement, which is clear of all above-ground obstruction or construction. The width is the same as the primary surface. The length is determined by the use of the runway, in accordance with FAA regulations.

- (5)** The boundaries of the AE zoning and its subdistricts shall be reviewed whenever the Grand Junction Regional Airport Authority updates and/or amends the noise contour maps and/or master plan. The Grand Junction Regional Airport Authority shall notify the City of any such update and/or amendment and provide a copy of it to the City.

**(e) Exemptions**

The terms, provisions, conditions and restrictions of 5-11 et. seq. of the former Code pertaining to land use for land around airports shall control development in existence prior to the effective date of this Code. This Chapter shall apply to development, structures and/or lots platted after the effective date of this Code.

**(f) Land Use Compatibility**

**(1) Airport Environs Matrix**

The Airport Environs Land Use Compatibility Matrix below also known as the Airport Matrix, establishes requirements and limitations in addition to those provided in Chapter 21.03. In the case of conflict the more restrictive requirements shall control.

- (2) The Airport Matrix below identifies development standards that apply to development within the AE zone. Any proposed use and/or development shall comply with the requirements of this Section, in addition to all other applicable standards.
- (3) All structures shall be constructed to comply with the Noise Level Reduction (NLR) standards of the Airport Matrix. National Technical Information Service (NTIS) report Guidelines for the Sound Insulation of Residences Exposed to Aircraft Operations (AD-A258 O32), latest edition, shall be used for noise reduction methods for new development.
- (4) **Use Restriction**  
Notwithstanding any other provision of this Code, no use may be made of land or water within any zone or subdistrict that creates or may create:
- (i) Interference with navigational signals or radio communication between the airport and aircraft;
  - (ii) Difficulty for pilots to distinguish between airport lights and other lighting;
  - (iii) Glare in the eyes of pilots using the airport;
  - (iv) Impaired visibility in the vicinity of the airport;
  - (v) A hazard or endanger landing, takeoff or maneuvering of aircraft.
- (g) **Avigation Easement**  
New development located within the AE zone shall convey an avigation easement to the Grand Junction Regional Airport Authority in a form and with terms and conditions approved by the Director. Such conveyance shall not be required for repair or maintenance of existing structures.
- (h) **Record Notice of Critical and Noise Zone Subdistricts**  
A written notice, in a form approved by the Director, shall be affixed to and recorded with each final plat/plan when the development is located in a noise zone. The notice shall also be required when the development is located within a critical zone. The notice shall minimally provide that:
- (1) All or part of the development is potentially subject to aircraft noise levels high enough to annoy users of the property and interfere with its unrestricted use.
  - (2) If in the Critical Zone add: All or part of this property is also located in the approach and departure path of the airport in an area more apt to have accidents because of the takeoff and landing of aircraft.
- (i) **Height Limitations**  
Nothing, including structures and trees, shall be erected, altered, allowed to grow or be maintained so that it crosses or enters into the applicable runway approach zones as defined in Federal Aviation Regulations (FAR) Part 77, as amended.

Airport Land Use Compatibility Standards Matrix				
LAND USE	SUBDISTRICTS			
	A	B	C	D
Residential (≤ 1 unit per 5 acres)	Y	30 <sup>1</sup>	30 <sup>1</sup>	N
Residential (≥ 1 unit per 5 acres)	Y	C30 <sup>1</sup>	N	N
Hotels / Motels	Y	C25	N	N
Schools, Hospitals, Libraries	Y	C25	N	N
Churches	Y	C25	N	N
Auditoriums, Outdoor Amphitheatres, Concert Halls	Y	C25	N	N
Sports Arenas	Y	C25	N	N
Playgrounds, Parks, Open Space, Golf Courses, Cemeteries, Riding Stables	Y	Y	C	N
Office Buildings, Personal, Business, and Professional Services	Y	C	C	N
Commercial Establishments: Retail	Y	C	C	N
Commercial Establishments: Wholesale, Manufacturing, Transportation, Communications, and Utilities	Y	C	C	N
Manufacturing - noise sensitive	C	C	C	N
Communications - noise sensitive	C	C	C	N
Farming (livestock)	Y	Y	Y	N
Agriculture, Mining, Fishing (except livestock farming)	Y	Y	Y	C
Poultry Production	Y	Y	Y	N
<b>LEGEND</b>  <b>Y:</b> Yes <b>C:</b> Requires Conditional Use Permit <b>N:</b> No <b>25:</b> Measures to achieve Noise Level Reduction (NLR) of 25 decibels must be incorporated into the design and construction of structures. <b>30:</b> Measures to achieve Noise Level Reduction (NLR) of 30 decibels must be incorporated into the design and construction of structures.		<b>Footnote 1:</b> Where possible no residential development shall be permitted within Subdistricts B and C; however, for properties substantially or wholly burdened by Subdistrict C, residential development may be permitted at a density not to exceed one unit per five acres. Clustering of homes outside of Subdistricts B and C shall, where possible, be used.		



## 21.07.040 Historic Preservation

### (a) Purpose

This Section enhances the community's local resources and promotes the public health, safety, prosperity and welfare through the protection and preservation of the City's architectural, historic and cultural heritage, as embodied in designated historic structures, sites and districts, by application of appropriate regulations and incentives. Those regulations and incentives include:

- (1) The establishment of a City Register listing designated structures, sites and districts; and
- (2) The provision of educational opportunities to increase public appreciation of Grand Junction's unique heritage.

### (b) Board Established

The City Council hereby creates a Historic Preservation Board, hereinafter referred to as the Historic Board or Preservation Board. The Historic Board shall have principal responsibility for matters of historic preservation.

#### (1) Composition

The Historic Board shall consist of not less than five members and not more than seven members. Historic Board members shall be appointed to provide a balanced, community-wide representation. When there are more than five members of the Historic Board, at least four members shall be professionals in or have expertise with a preservation-related discipline including but not limited to, history, architecture, planning or archaeology. When there are five members of the Historic Board, there shall be at least three such professionals. One member shall be a member of the Downtown Development Authority (DDA) Board or an employee of the DDA. The Director shall serve as staff to the Historic Board. The Council shall determine, by resolution, the number of members of the Historic Board at such time as the Council makes appointments to the Historic Board.

#### (2) Term

Members of the Historic Board shall be appointed by the City Council to serve four 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.

#### (3) Voting

Three members if a five member Board; four members if a six or seven member Board constitutes a quorum. A quorum is necessary for the Historic Board to conduct business including holding a public hearing. A roll call vote shall be taken upon the request of any member. A tie vote shall be deemed a denial of any motion or action.

#### (4) Chairperson/Vice-Chairperson

The Historic Board shall, by majority vote, elect one of its members to serve as chairperson to preside over meetings and one member to serve as vice-chairperson. The vice-chairperson shall act in the absence of the chairperson. The chairperson and vice-chairperson shall serve in these capacities for terms of one year.

#### (5) Meetings

The Historic Board shall establish a regular meeting schedule. Minutes shall be kept of all proceedings.

#### (6) Powers and Duties

The Historic Board shall, after solicitation of public comment, at a properly noticed public meeting:

- (i) Recommend eligibility criteria for the designation of historic resources and for review of proposals to alter designated resources;
- (ii) Review and determine qualifications of properties nominated for designation as either an historic structure, site or district and recommend to City Council approval or denial of a designation;
- (iii) Upon property owner's request, review and make recommendations to the owner on proposed alterations to a designated historic structure, site or district;

- (iv) Advise and assist owners of historic properties on physical and financial aspects of preservation, renovation, rehabilitation and reuse, including nomination to the City Register, the State Register and the National Register of historic places;
- (v) Develop and assist in public education programs including, but not limited to, walking tours, brochures, a marker program for historic properties, lectures, exhibits and conferences;
- (vi) Conduct surveys of historic sites, properties and areas for the purpose of defining those of historic significance and prioritizing the importance of identified historic areas. The Historic Board may create a list of structures of historical or archeological merit which have not been designated;
- (vii) Advise the City Council on matters related to preserving the historic character and substance of the City and recommend easements, covenants, licenses and other methods which would implement the completion of the purposes of this Section; and
- (viii) Actively pursue financial assistance for preservation-related programs.

**(7) Public Records**

The Board shall conduct its business in accordance with the open meetings and Public Records Acts and other laws applicable to local public bodies.

**(8) Bylaws**

The Historic Board shall propose bylaws to the City Council as it deems necessary.

**(c) City Registry Established**

- (1) The City Council hereby establishes the City Register of historic sites, structures and districts. Historic sites, structures or districts may be listed on said register only if said site, structure or district has been designated by the City Council following recommendation by the Historic Board.
- (2) All properties listed on the National or State Register are eligible for the City Register but are not designated until approval, pursuant to this Code, is obtained.

**(d) Designation of Historic Structures, Sites and Districts**

- (1) The City Council pursuant to this Code:
  - (i) May by resolution designate as historic an individual structure, site or other feature or an integrated group of structures or features on a lot or site. Designation shall be for a special historical or architectural value; or
  - (ii) May by resolution designate as an historic district an area containing a number of structures or sites having a special historical or architectural value.
- (2) Each such designation shall include a description of the characteristics of the structure, site or historic district which justify its designation and a description of the particular features that should be preserved and shall include a legal description of the location and boundaries of the historic structure, site or district.
- (3) No individual structure or site shall be designated without the consent of all owners of record. Historic districts may be designated in accordance with State law and the provisions in this Section.
- (4) The purpose and effect of designation is:
  - (i) To assist local interests in preservation of physical structures, sites or districts and to recognize locally significant structures, sites or districts;
  - (ii) To provide a mechanism to educate the public on local history, development of the community, architectural styles and housing and business development;
  - (iii) To enable the owners of the property in the City to take advantage of historic preservation programs and opportunities; and
  - (iv) To make all properties listed on the City Registry eligible for such incentive programs as may be developed.

**(e) A Procedure for Designating Historic Structures, Sites and Districts for Preservation**

- (1) A nomination for designation to the City Register may be made by the Historic Board or by any citizen by filing an application with the Community Development Department. The applicant shall pay all public notice expenses, recording fees and any other fees established by resolution of the City Council.
- (2) **Historic Board Review**
  - (i) The Historic Board shall hold a public meeting on the designation application no more than thirty days after the filing of the application.

- (ii) The Historic Board shall review the application for conformance with the established criteria for designation and with the purposes of this Section.
- (iii) Within ten days after the conclusion of the public meeting, but in no event more than 30 days after the meeting, unless mutually agreed by the Historic Board, the applicant, and the owner or owners other than the applicant, the Historic Board shall recommend either approval, modification and approval or disapproval of the application.
- (iv) The Historic Board may recommend approval conditional upon the execution of certain Easements, covenants or licenses.
- (v) The Historic Board shall forward to the City Council written recommendations concerning a designation and further state any recommendations as to easements, covenants or licenses that must be met by the property owner in order to receive and/or maintain the designation.

**(3) City Council Review**

- (i) The City Council shall hold a public hearing on the designation application no more than 30 days after receipt of the Board's recommendation.
- (ii) The City Council shall review the application for conformance with the established criteria for designation and with the purposes of this Section.
- (4) When a structure, site or historic district has been designated as provided herein, the Director shall promptly notify the record owners of the property, as shown in the County Assessor's records or other available information, and record the designation in the land records of the Mesa County Clerk and Recorder.
- (5) Limitation on Resubmission and Reconsideration of Proposed Designation. If the City Council disapproves a proposed designation, no person shall submit an application that is the same or substantially the same for at least one year from the effective date of the denial of the application.

**(f) Criteria for Designation**

The Historic Board and City Council shall consider the following criteria in reviewing nominations/applications for designation.

**(1) Structures**

Structures must be at least 50 years old and meet one or more of the architectural, cultural or geographic/environmental significance criteria. A structure can be exempted from the age requirement if the Council finds it to be exceptionally important in other criteria.

- (i) Historic structures or sites shall meet one or more of the following in order to be considered for designation.
  - (A) Architectural:
    - a. Exemplifies specific elements of an architectural style or period;
    - b. Is an example of the work of an architect or builder who is recognized for expertise nationally, statewide, regionally, or locally;
    - c. Demonstrates superior craftsmanship or high artistic value;
    - d. Represents an innovation in construction, materials or design;
    - e. Represents a built environment of a group of people in an era of history;
    - f. Exhibits a pattern or grouping of elements representing at least one of the above criteria; or
    - g. Is a significant historic remodel
  - (B) Cultural:
    - a. Is a site of historic event that had an effect upon society;
    - b. Exemplifies cultural, political, economic or ethnic heritage of the City; or
    - c. Is associated with a notable person or the work of a notable person.
  - (C) Geographic/Environmental:
    - a. Enhances the sense of identity of the City; or
    - b. Is an established and familiar natural setting or visual feature of the City
- (ii) Prehistoric and historic archaeological structures or sites shall meet one or more of the following:
  - (A) Architectural:
    - a. Exhibits distinctive characteristics of a type, period or manner of construction; or
    - b. Is a unique example of structure.

- (B) Cultural:
  - a. Has the potential to make an important contribution to the knowledge of the area's history or prehistory;
  - b. Is associated with an important event in the area's development;
  - c. Is associated with a notable person or the work of a notable person;
  - d. Is a typical example or is associated with a particular ethnic or other community group; or
  - e. Is a unique example of an event in local history.
- (C) (Geographic/Environmental: Is geographically or regionally important.
- (iii) Each property shall also be evaluated based on physical integrity using the following criteria (a property need not meet all the following criteria):
  - (A) Shows character, interest or value as part of the development, heritage or cultural characteristics of the community, region, state, or nation;
  - (B) Retains original design features, materials and/or character;
  - (C) Is in the original location or same historic context if it has been moved; or
  - (D) Has been accurately reconstructed or restored.
- (2) **Historic Districts**
  - (i) For the purposes of this Section, a historic district is a geographically definable area including a concentration, linkage or continuity of sites, buildings, structures and/or objects. A historic district is related by a pattern of either physical elements or social activities.
  - (ii) Significance is determined by applying criteria to the pattern and unifying elements.
  - (iii) Nominations/applications for historic district designation shall not be approved unless the application contains written approval from owners of at least 60 percent of the properties within the proposed district boundaries.
  - (iv) Properties that do not contribute to the significance of the historic district may be included within the boundaries so long as the noncontributing elements do not noticeably detract from the district's sense of time, place and historical development. Noncontributing elements shall be evaluated for their magnitude of impact by considering their size, scale, design, location and/or information potential.
  - (v) Historic district boundaries shall be defined by visual changes, historical documentation of different associations or patterns of development, or evidence of changes in site type or site density as established through testing or survey.
  - (vi) When districts are designated, applicable design guidelines and other appropriate restrictions may be included as part of the designation.
  - (vii) In addition to meeting at least one of the criteria as outlined in subsection h of this subsection 2, the designated contributing sites and structures within the district must be at least 50 years old. The district could be exempt from the age standard if the resources are found to be exceptionally important in other significant criteria.
  - (viii) Historic Districts shall meet one or more of the following:
    - (A) Architectural:
      - a. Exemplifies specific elements of an architectural period or style;
      - b. Is an example of the work of an architect or builder who is recognized for expertise nationally, statewide, regionally or locally;
      - c. Demonstrates superior craftsmanship or high artistic value;
      - d. Represents an innovation in construction, materials, or design;
      - e. Represents a built environment of a group of people in an era of history;
      - f. Is a pattern or a group of elements representing at least one of the above criteria; or
      - g. Is a significant historic remodel.
    - (B) Cultural:
      - a. Is the site of an historic event that had an effect upon society;
      - b. Exemplifies cultural, political, economic or social heritage of the community; or
      - c. Is associated with a notable person or the work of a notable person.
    - (C) Geographic/Environmental:
      - a. Enhances sense of identity of the community; or

b. Is an established and familiar natural setting or visual feature of the community.

**(D) Archaeology/Subsurface:**

- a. Has the potential to make an important contribution to the area's history or prehistory;
- b. Is associated with an important event in the area's development;
- c. Is associated with a notable person or the work of a notable person;
- d. Has distinctive characteristics of a type, period or manner of construction;
- e. Is of geographical importance;
- f. Is a typical example/association with a particular ethnic group;
- g. Is a typical example/association with a local cultural or economic activity; or
- h. Is a unique example of an event or structure.

**(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. In reviewing a proposed alteration, the Historic Board shall consider design, finish, material, scale, mass and height. When the subject site is in an historic district, the Historic Board must also find that the proposed development is visually compatible with development on adjacent properties, as well as any guidelines adopted as part of the given historic district designation. For the purposes of this Section, the term "compatible" shall mean consistent with, harmonious with and/or enhances the mixture of complementary architectural styles either of the architecture of an individual structure or the character of the surrounding structures. The Historic Board shall use the following criteria to determine compatibility of a proposed alteration:

- (1) The effect upon the general historical and architectural character of the structure and property;
- (2) The architectural style, arrangement, texture and material used on the existing and proposed structures and their relation and compatibility with other structures;
- (3) The size of the structure, its setbacks, its site, location, and the appropriateness thereof, when compared to existing structure and the site;
- (4) The compatibility of accessory structures and fences with the main structure on the site, and with other structures;
- (5) The effects of the proposed work in creating, changing, destroying, or otherwise impacting the exterior architectural features of the structure upon which such work is done;
- (6) The condition of existing improvements and whether they are a hazard to public health and safety; or
- (7) The effects of the proposed work upon the protection, enhancement, perpetuation and use of the property.

**(h) Revocation of Designation**

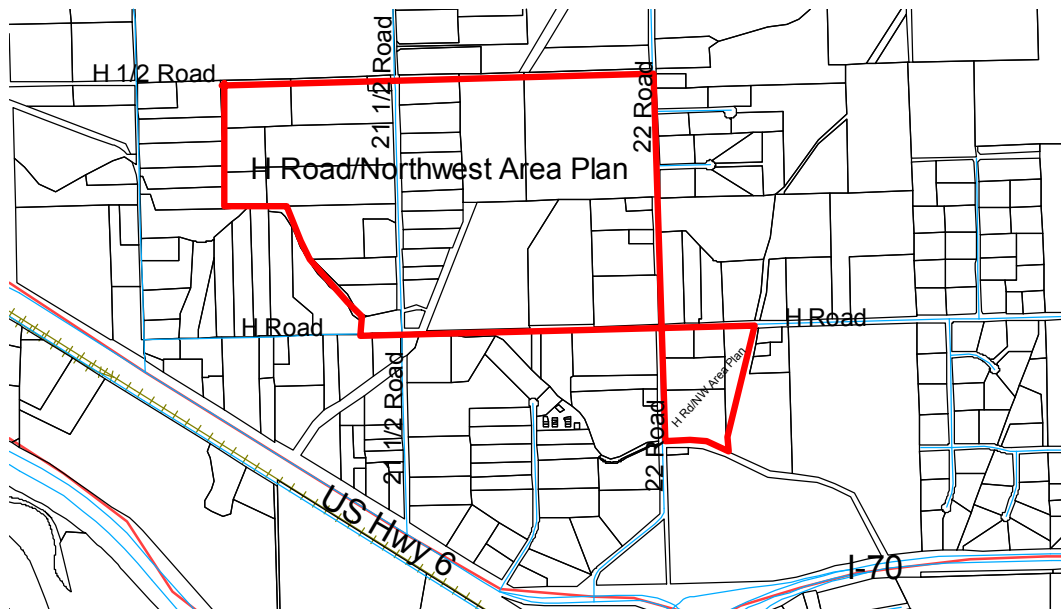
- (1) If a building or special feature on a designated site has been altered in such a way so as to negate the features necessary to retain designation, the owner may apply to the Historic Board for a revocation of the designation or the Historic Board shall recommend revocation of the designation to the City Council in the absence of the owner's application to do so.
- (2) If a designated structure is moved or demolished, the designation shall, without notice and without Historic Board recommendation, automatically terminate. If moved, a new application for designation at the new location must be made in order for designation to be considered.
- (3) Upon the City Council's decision to revoke a designation, the Director shall cause a revocation notice to be sent to the property owner.

**21.07.050 24 Road Corridor Design Standards And Guidelines**

Refer to 24 Road Corridor Design Standards and Guidelines document (under separate cover).

**21.07.060 H Road/Northwest Plan Area Policies And Performance Standards**

"H Road/Northwest Plan Area Policies and Performance Standards" said Plan is incorporated by this reference as if fully set forth. All Policies stated in the plan (Truck Traffic and Billboards) shall be applicable to the area shown on the map below (Ordinance No. 4066). Be it further ordained that all Performance Standards (Corridor Aesthetics/Landscaping, Loading Docks and Fleet Parking, Outdoor Storage and Display, Parking Lots, Architectural Standards, Signage Standards) stated in the Plan shall be applicable to all development on all parcels abutting the west side of 22 Road from H Road to H ½ Road and the south side of H ½ Road from 21 Road to 22 Road.



## Chapter 21.08 Nonconformities

### 21.08.010 Nonconformities in General

**(a) Continuation**

A nonconformity may be continued in accordance with the appropriate sections in 21.08.020 through 21.08.050 below.

**(b) Types of Nonconformity**

There are several types of nonconformities that may exist, as follows:

- (1) Nonconforming uses (see 21.08.020)
- (2) Nonconforming structures (see 21.08.030)
- (3) Nonconforming sites, including parking, landscaping and screening/buffering (see 21.08.040)
- (4) Nonconforming lots (see 21.08.050)
- (5) Nonconforming signs (see 21.06.070)

**(c) Evidence of Status**

Evidence of Status. Evidence of the status of a nonconforming use shall be supplied by the owner of the property upon request of the Director.

**(d) Time Extensions**

The Zoning Board of Appeals may permit one extension of up to 12 additional months to the time periods for abandonment, obtaining a building permit or completing construction, provided the applicant can demonstrate circumstances out of his or her control have prevented a good faith attempt to reestablish or rebuild the nonconforming use and/or structure. Such circumstances may include the health of the applicant, court proceedings, failure to reach an insurance settlement, acts of God, or similar hardships.

**(e) Variance**

The Zoning Board of Appeals may vary the provisions of Sections 21.08.020 through 21.08.050. Application and processing shall be in accordance with the provisions of Section 21.02.200.

### 21.08.020 Nonconforming Uses

**(a) Continuation**

A lawful use made nonconforming by the adoption of this Code or other City ordinances may continue only for so long as such use is not abandoned, expanded, increased or changed, except as provided in this section.

**(b) Nonresidential Uses**

**(1) Expansion**

In a nonresidential zone, an existing structure may be expanded up to 20 twenty percent of the existing gross floor area as it existed on April 5, 2010 provided all other provisions of this Code are met. An outdoor operations/storage/display area may be expanded by up to 20 twenty percent beyond the area of the square footage of the operations/storage/display area as it existed on April 5, 2010, provided all other provisions of this Code are met. Nonconforming use shall not be expanded in any residential zoning district.

**(2) Change of Use**

No use shall be changed to a conforming use until the Director has determined that the requirements of the zone district will be met. The Director may approve a different use, provided such use is deemed by the Director to be less intense than the existing use. Prior to approval, the Director shall determine that traffic generation and parking requirements for the new nonconforming use are less than what was required for the existing use. No change to a more intense nonconforming use is allowed.

**(3) Abandonment**

A nonconforming use that has been discontinued for any 12 month period for whatever reason shall be considered to be abandoned and shall not be reestablished. Any use on the property after that time shall conform to all provisions of this Code. Evidence of intent to abandon is not required.



**(4) Destruction**

A nonconforming nonresidential use that is damaged may be reestablished following approval by the Director in accordance with the following:

- (i) A use may only be reestablished within a conforming structure.
- (ii) All restorative and other work must conform to adopted building codes.
- (iii) A building permit must be issued within two years from the date of the damage.
- (iv) The Certificate of Occupancy (or other final inspection) must be issued as provided by adopted codes.

**(c) Residential Uses**

A "nonconforming residential use" is a structure which contains more dwellings than allowed by the zone or is a dwelling located in a nonresidential zone that does not permit residential uses.

**(1) Expansion**

In all zones, a residential use may be expanded by up to 20 percent of the gross floor area as it existed on April 5, 2010, if no additional dwelling units are created and all other provisions of this Code are met. Accessory structures for a nonconforming residential use such as a garage or storage shed shall be allowed if the provisions of Section 21.04.040 are met. Accessory dwelling units shall not be permitted.

**(2) Abandonment**

- (i) A nonconforming residential use, other than a single family dwelling, that has not been occupied for a continuous period of 12 months, for whatever reason, shall be considered to be abandoned and shall not be reoccupied except in conformance with all applicable provisions of this Code. Evidence of intent to abandon the nonconforming use is not required.
- (ii) A nonconforming single-family dwelling that has not been occupied for a continuous period of 12 months or longer shall not be considered to be abandoned and may be reoccupied at any time provided the structure has not been changed, legally or illegally, to a nonresidential use or multiple-unit residential use.
- (iii) Removal of a nonconforming mobile home or manufactured home, not in a mobile home park, from its foundation or pad for a continuous period of 12 months shall constitute abandonment of the use and placement of a new unit must comply with the provisions of this Code. Evidence of intent to abandon the nonconforming mobile home or manufactured home use is not required.

**(3) Destruction**

Nonconforming residential uses that are damaged may be reestablished in accordance with the following:

- (i) All portions of the structure being restored are not and were not on or over a property line;
- (ii) The number of dwelling units does not increase;
- (iii) All construction is in compliance with current construction codes, such as the fire and building codes;
- (iv) A building permit is obtained within one year from the date of the damage; and
- (v) The certificate of occupancy (or other final inspection) is issued within two years of the issuance of the building permit.

**21.08.030 Nonconforming Structures****(a) Continuation**

A lawful structure as of April 5, 2010 that is nonconforming due solely to failure to meet the dimensional standards or performance standards pertaining to a structure and criteria of the underlying zone may be used for any purposes permitted in the zone so long as the use is in conformance with the provisions of this section.

**(b) Maintenance and Restoration**

A nonconforming structure may be maintained or restored provided no expansion of the nonconformity occurs. The cost of the maintenance, restoration or remodeling shall be as shown on the approved building permit application and the current fair market value of the existing structure shall be based on improvement value as determined by the Mesa County Assessor or an appraisal performed by a certified general appraiser licensed to do business in the State of Colorado utilizing the "cost" approach. This appraisal shall be performed at the applicant's expense. The Mesa County Assessor's appraisal may be used if not more than 12 months old.

- (1) Maintenance, restoration or remodeling projects that cost 25 percent or less of the current fair market value of the structure shall not require any correction to existing nonconforming parking, landscaping or screening/buffering other than what may be required by Fire and Building Codes.
- (2) Maintenance, restoration or remodeling projects that cost more than 25 percent, but less than 75 percent of the current fair market value of the structure shall require a corresponding percentage increase in compliance with the, landscaping requirements of this Code until the site achieves 100 percent compliance. [For example, if a site has only 20 percent of the required landscaping and the cost of the remodeling is 30 percent of the value of the building, then 30 percent of the required landscaping shall be provided.
- (3) Maintenance, restoration or remodeling projects that cost 76 percent or greater of the current fair market value of the structure shall require 100 percent compliance with the, landscaping requirements of this Code.
- (4) Maintenance, restoration or remodeling projects that require an increase in landscaping shall have up to 24 months after the issuance of a Certificate of Occupancy (or other final inspection) to install the required landscaping and related improvements. A Development Improvements Agreement (DIA) with financial security shall be required for the cost of all landscaping materials and improvements, including the irrigation system. See Section 21.02.070(m).
- (5) Properties that are physically constrained from complying with these provisions shall comply to the maximum extent practical as determined by the Director using the following criteria:
  - (i) Is the general intent of the requirement being met by the applicant, such as landscaping along the site frontage, even if some of it is in the right-of-way?
  - (ii) Are there other upgrades, amenities, or public benefits being provided, such as upgrades to building façade, relocating landscaping on-site, increasing plant sizes and/or planting density, public art, etc.?
  - (iii) Will the proposed deviation result in a safe, efficient condition?
  - (iv) What other alternatives have been considered that would meet the current standards?

**(c) Expansion**

A nonconforming structure may be expanded, provided that no increase in the structural nonconformity occurs. For example, an addition may be constructed, provided it meets the dimensional requirements for the zone. If the expansion results in an expansion of the nonconforming use, then see Section 21.08.020.

**(d) Destruction**

- (1) A nonconforming residential structure which is damaged may be restored within the existing footprint provided that:
  - (i) All portions of the structure being restored are not on or over a property line;
  - (ii) All construction is in compliance with current construction codes, such as Fire and Building Codes;
  - (iii) A building permit is obtained within 12 months from the date of the damage;
  - (iv) The Certificate of Occupancy (or other final inspection) is issued within one year of the issuance of the building permit.
  - (v) If damage exceeds 50 percent or more, restoration or improvement shall not be permitted unless the restoration results in a structure and site conforming to all applicable requirements of this Code.
- (2) A nonconforming nonresidential structure which is damaged to 50 percent or less of its fair market value, based on a market appraisal performed by a certified appraiser, may be restored within the existing footprint provided that:
  - (i) All portions of the structure being restored are not on or over a property line;
  - (ii) All construction is in compliance with current construction codes, such as Fire and Building Codes;
  - (iii) A building permit is obtained within 12 months from the date of the damage;
  - (iv) The Certificate of Occupancy (or other final inspection) is issued within one year of the issuance of the building permit.
  - (v) If damage exceeds 50 percent or more, restoration or improvement shall not be permitted unless the restoration results in a structure and site conforming to all applicable requirements of this Code.

**(e) Signs**

This Section shall not apply to nonconforming signs (see Sign Regulations Section 21.06.070).

## 21.08.040 Nonconforming Sites

### (a) Continuation

A parcel of land existing as of April 5, 2010 that is nonconforming due solely to failure to meet the parking, landscaping or screening/buffering standards may be used for any purposes permitted in the zone so long as the use is in conformance with the provisions of this section.

### (b) Maintenance and Restoration

A nonconforming site may be maintained or restored provided no expansion of the nonconformity occurs, unless the expansion occurs in conformance with this section.

### (c) Expansion

Additions to structures or additional paving, parking or outdoor storage on nonconforming sites shall require correction of existing nonconforming parking, landscaping and screening/buffering.

- (1) Redevelopment or expansion which results in a 65 percent or greater increase of the gross square footage of the existing structure, outdoor operations/storage/display, paving or parking areas require the entire property to meet all of the landscaping and screening/buffering requirements of this Code. The increase may be to only one of the gross square footage areas or a combination of increases of the gross square footage areas which result in an overall increase of 65 percent or greater. (For example, if the gross square footage area of the structure increases by 50 percent and the outdoor storage gross square footage area increases by 20 percent, then the overall increase is 70 percent and the entire property shall be required to meet all landscaping and screening/buffering requirements of this Code.)
- (2) Redevelopment or expansion which would result in less than a 65 percent increase of the gross square footage of the existing structure, outdoor operations/storage/display, paving or parking areas shall require a corresponding percentage increase in compliance for landscaping and screening/buffering requirements of this Code until the site achieves 100 percent compliance. (For example, if the gross square footage area of the structure increases by 10 percent and the outdoor storage gross square footage area increases by 15 percent, then the overall increase is 25 percent and the site contains only 50 percent of the required landscaping, 25 percent of the required landscaping for the entire site must be provided, thereby bringing the site to 75 percent of the total required.). Existing landscaping on the site shall be retained or replaced but shall not count toward the required percentage of new landscaping.]
- (3) Redevelopment or expansion that necessitate an increase in the number of parking spaces shall be required to provide 50 percent of the required parking spaces for the additional floor area in accordance with this Code. The additional parking area shall comply with all associated landscaping and drainage requirements of this Code.
- (4) The conversion of nonconforming commercial and/or residential structures and sites to condominiums shall, not require that the site be brought into compliance with parking, lighting, and landscaping requirements of this Code.
- (5) Properties that are physically constrained from complying with these provisions shall comply to the maximum extent practicable as determined by the Director using the following criteria:
  - (i) Is the general intent of the requirement being met by the applicant, such as landscaping along the site frontage, even if some of it is in the right-of-way?
  - (ii) Are there other upgrades, amenities, or public benefits being provided, such as upgrades to building façade, relocating landscaping on-site, increasing plant sizes and/or planting density, public art, etc.?
  - (iii) Will the proposed deviation result in a safe, efficient condition?
  - (iv) What other alternatives have been considered that would meet the current standards?

### (d) Change of Use

- (1) Changes of use that necessitate an increase in the number of parking spaces shall be required to provide the difference between the required parking for the prior use and that required for the proposed use in accordance with this Code. Where this calculation results in the addition of less than five spaces, no additional spaces shall be required. Any additional parking area shall comply with all associated landscaping and drainage requirements of this Code.
- (2) New outdoor operations/storage/display uses require the entire lot or parcel meet all requirements of this Code.

**(e) Destruction**

- (1) A nonconforming residential structure which is damaged may be restored within the existing footprint provided that: all portions of the structure being restored are not and were not on or over a property line; all construction is in compliance with current construction codes, such as the Fire and Building Codes; a building permit is obtained within six months from the date of the damage; and the Certificate of Occupancy (or other final inspection) is issued within one year of the issuance of the building permit. If damage exceeds 50 percent or more, restoration or improvement shall not be permitted unless the restoration results in a structure and site conforming to all applicable requirements of this Code.
- (2) A nonconforming nonresidential structure which is damaged to 50 percent or less of its fair market value, based on a market appraisal performed by a certified appraiser, may be restored within the existing footprint provided that: all portions of the structure being restored are not and were not on or over a property line; all construction is in compliance with current construction codes, such as the Fire and Building Codes; a building permit is obtained within six months from the date of the damage; and the Certificate of Occupancy (or other final inspection) is issued within one year of the issuance of the building permit. If damage exceeds 50 percent or more, restoration or improvement shall not be permitted unless the restoration results in a structure and site conforming to all applicable requirements of this Code.

**21.08.050 Nonconforming Lots/Parcels****(a) Nonconforming Lots/Parcels**

A lot or parcel of land with an area less than prescribed in the applicable zone may be used for any purpose permitted in the zone if:

- (1) The owner is able to demonstrate to the satisfaction of the Director that the parcel was lawful at the time it was created; and
- (2) The use meets all other regulations prescribed for the zone prior to occupancy or use.

## Chapter 21.09 Enforcement

### 21.09.010 Director

The Director may delegate the authority, duties and powers pursuant to this Code.

### 21.09.020 Inspection

The Director may enter or inspect any building, structure, lot, parcel or property to ensure compliance with the provisions of this Code. Such inspection shall be carried out during business hours unless the Director determines that an emergency exists. Entry onto those portions of private property which are not open to the public, business invites and others for the purpose of conducting owner's business, shall be made only after contact with the owner of the premises, whose permission for the inspection should be obtained. Application for any approval, development, or project constitutes permission to inspect all of the property including structures relating to the application. Failing permission from the owner, no inspection of private portions of property shall be undertaken without an order from the Municipal Court or another court of competent jurisdiction.

### 21.09.030 Code Violations and Enforcement

The remedies provided for violation of any provision of this Code, City regulation or the Code of Ordinances, whether civil or criminal, shall be cumulative and be in addition to any other legal or equitable remedy. Except as otherwise provided, any development or use which is initiated or maintained or is not in compliance with the provisions of this Code is prohibited and shall be an "unlawful" development or use.

### 21.09.040 Continuing Violations

Each day that a violation of any provision of this Code exists, occurs or remains uncorrected shall constitute a separate violation.

### 21.09.050 Civil Remedies and Enforcement Powers

#### (a) Withhold Permit

The Director, for any unlawful use or development, may:

- (1) Deny or withhold any permit, certificate or other form of authorization to use or develop any land, structure or improvements thereon. This provision shall apply regardless of whether the current owner or applicant is responsible for the violation.
- (2) Revoke any development permit or other authorization when the Director determines:
  - (i) That there is departure from the plans, specifications or conditions as required under terms of the permit or other authorization;
  - (ii) That the development permit was procured by false representation or was issued by mistake; or
  - (iii) That any of the terms, conditions or provisions are being violated or reasonably believed to be violated. Written notice of revocation shall be served upon the owner, the owner's agent or contractor that such permit was issued to or notice may be posted in a conspicuous or prominent location at the place of violation.
- (3) With or without revoking permits, stop work on a property where there is a violation of a provision of this Code or of a permit or other form of authorization issued hereunder.
- (4) Upon notice to the applicant the Director may petition the Planning Commission to, at public hearing, revoke the plan or other approval or condition its continuance on strict compliance with this Code, the provision of a financial guarantee or other security to ensure that construction is completed in compliance with approved plans or such other conditions as the Planning Commission may reasonably impose.
- (5) Initiate injunctive relief or abatement proceedings or other appropriate legal action in Municipal Court or another court of competent jurisdiction against any person who fails to comply with any provision of this Code or any requirement or condition imposed pursuant to this Code. The Director shall act to prevent, enjoin, abate or terminate violations.
- (6) Seek a court order in the nature of mandamus, abatement, injunction prohibition or other action or proceeding to abate or remove a violation or to otherwise restore the premises in question to the condition in which they existed prior to the violation.

#### (b) Civil Penalty

- (1) Any person who fails to comply with any provision of this Code shall be subject to a civil penalty of not less than \$100.00 or more than \$1000.00 for each offense.

- (2) Each day that a violation exists shall constitute a separate offense however, the maximum civil penalty that may be imposed, even in circumstances where there are multiple and continuing offenses, shall be \$10,000.
- (3) Every such action shall be brought before the Municipal Court of the City. Municipal Court shall have original jurisdiction to hear and decide such cases.
- (4) The City is entitled to recover judgment against any person failing to comply with any provision of this Code for reasonable attorney's fees in an amount determined by the Municipal Court.
- (5) The City, its officers and employees may initiate an action under this section, but neither the City nor its officers or employees shall be liable for any claim or cause of action.

(c) **Other Remedies**

The City shall have such other powers and remedies as are and as may be provided by Colorado law for the violation of this or any duly and lawfully enacted Code.

(d) **Continuation**

Nothing in this Code shall prohibit the continuation of enforcement actions undertaken by the City pursuant to previous lawful and valid ordinances, laws, rules or regulations.

### **21.09.060 Criminal Penalty**

A violation of any provision of this Code or any requirement or condition imposed pursuant to this Code, including violations of standards and requirements adopted by reference shall be a misdemeanor. Upon conviction, any person found in violation shall be punished by a fine of not more than \$1,000 or by imprisonment for not more than one year or by both fine and/or imprisonment, for each violation. Each person violating this Code or any requirement or condition imposed pursuant to this Code, whether the person directly commits the act or aids or abets the same, whether present or absent, may be prosecuted and punished as a principal.

### **21.09.070 Enforcement Procedures**

(a) **Nonemergency Matters**

- (1) For violations of this Code that do not constitute an emergency, the Director shall give notice of the general nature of the violation to the property owner, agent, occupant or any applicant for any relevant permit in a manner reasonably calculated to afford notice.
- (2) Enforcement action shall be stayed for a period of ten days after notice, as provided in this section, has been posted on the property, mailed to the last known owner of the property or been hand delivered. Lack of personal notice shall not defeat any enforcement action.
- (3) Notice may be given in person, by United States mail, or by posting notice on the premises.
- (4) Notice of violation shall state the nature of the violation and the time period for compliance and may state the corrective steps necessary and the nature of subsequent penalties and enforcement actions should the situation not be corrected.
- (5) Notices are deemed to run with the land and may be recorded by the Director in the Mesa County land records.
- (6) Notices of violation are effective for 12 months from the date of issue.

(b) **Emergency Matters**

For violations of this Code, actual or alleged, that constitute an emergency as determined by the Director, City Council, City Manager or declaration of the county, state or federal government, the City may use the enforcement powers available under this Chapter without prior notice.

### **21.09.080 Continued Compliance**

Once constructed, the owner 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 this Chapter.

**21.09.090 Enforcement and Revocation**

In accordance with the provisions of this Chapter 21.03, 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.

**(a) Revocation of Permit or Approval****(1) Director Duties**

If the Director determines there are one or more reasons to revoke a development permit or approval, he/she shall revoke such permit or approval. Any appeal of the Director's decision shall be heard by the Zoning Board of Appeals in accordance with Section 21.02.210(b).

**(2) Notice and Hearing**

Notice and hearings for a revocation are the same as for the original application.

**(3) Decision and Appeals**

A decision to revoke a Development permit shall become effective immediately. After revocation of any permit or approval, any activities continuing pursuant to such permit or approval shall be deemed to be in violation of the Code.

**(4) Right Cumulative**

The Director's right to revoke any approval, development permit, or other privilege or right, shall be cumulative to any other remedy.



## Chapter 21.10 Definitions

### 21.10.010 Rules of Construction

To help interpret and apply this Code, the following rules shall apply:

- (a) The particular controls the general;
- (b) The text shall control if there is a difference of meaning or implication between the text and any caption or title;
- (c) The words “shall” and “must” are always mandatory. The words “may” and “should” are permissive and are at the discretion of the decision-maker;
- (d) Words used in the present tense include the future;
- (e) Words in the singular include the plural;
- (f) Words of one gender include all other genders, unless the context clearly indicates otherwise;
- (g) Any term not herein defined shall be as defined elsewhere in the City Code or, if not defined elsewhere in the City Code, as defined in Webster's New International Dictionary, most recent edition.
- (h) Unless otherwise indicated, the term “days” means calendar days, if the period of time referred to is more than 30 days. If the period of time referred to is for less than 30 days, “days” means days when the City is open for business;
- (i) If the last day of a submission date, period or other deadline is a Saturday, Sunday or a holiday recognized by the City, the period shall end on the last business day; and
- (j) Use of words like “City Council,” “Planning Commission,” “Director,” “Engineer” includes City officials and staff.

### 21.10.020 Terms Defined

**ABANDONMENT.** The relinquishment of property, or a cessation of the use of the property, by the owner or lessee without any intention of transferring rights to the property to another owner or of resuming the use of the property.

**ABUT/ABUTTING.** Uses or parcels which directly touch. (Parcels across a public right of way would not be abutting, but would be adjacent.)

**ACCESS.** A way or means of approach to provide vehicular or pedestrian physical entrance to a property.

**ACCESSORY STRUCTURE.** A detached subordinate structure, the use of which is customarily incidental to, and supportive of, the principal structure or the principal use of land, and which is located on the same parcel of ground with the principal structure or use. (See graphic)

**ACCESSORY DWELLING UNIT.** A dwelling unit which is secondary to a principal dwelling unit which may be attached to the principal structure or freestanding.

**ACCESSORY USE.** The use of land or of a building customarily incidental to, subordinate to, and supportive of the principal use of the parcel.

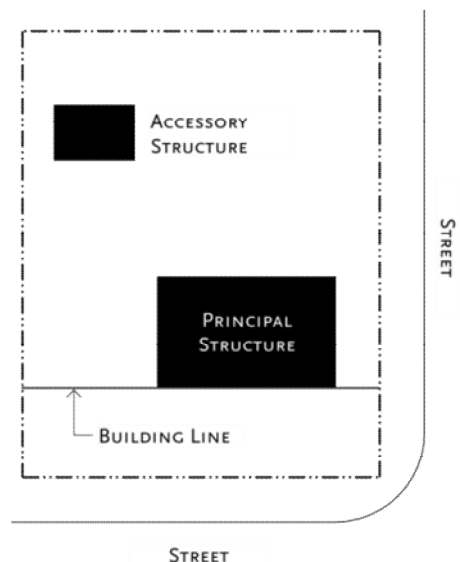
**ADDITION.** 1. A structure added to the original structure at some time after certificate of occupancy has been issued for the original structure; 2. An extension or increase in floor area or height of a building or structure.

**ADJACENT.** Property or use, any portion of which is within a 100 foot radius. Public right of way, easements, canals or waste ditches, and waterways are not counted when deciding if one property or use is adjacent to another.

**ADJOIN.** A lot or parcel of land that shares all or part of a common lot line with another lot or parcel of land.

**ADMINISTRATIVE DECISION.** Any decision on a development application made by an authorized City employee pursuant to this Code.

**ADULT DAY TREATMENT CENTER.** A facility for the care of adults who require nursing or physical assistance and/or supervision during the day by licensed caregivers and staff.





ADULT ENTERTAINMENT ESTABLISHMENTS. See Section 21.10.010(b)

ADULT FOSTER HOME. A residence for the care of persons who are unable to live alone in safety.

ADULT MATERIAL. See Section 21.04.030(b)(5)(ii)

ADVERSE IMPACT. A condition that creates, imposes, aggravates, or leads to inadequate, impractical, unsafe, or unhealthy conditions on a site proposed for development or on off-tract property or facilities.

AGRI BUSINESS. A business and/or commercial use operated primarily for the support of agricultural needs. Such use may consist of products, materials, and equipment servicing and sales; storage and/or processing of agricultural products and/or animals; medical and/or technical support services.

AGRICULTURAL ANIMALS. The following animals are considered agricultural animals to an agricultural use, whether used for personal enjoyment or for commercial purposes: horses, mules, burros, sheep, cattle, rabbits, chickens, ducks and geese.

AGRICULTURAL PRODUCE. Fruit, vegetables, eggs and honey prior to processing of any kind other than washing. Canned fruits or vegetables, preserves, wine, meat and dairy products shall not be considered agricultural produce for the purposes of this Code.

AGGRIEVED PERSON. Person having suffered actual loss or injury or being exposed to potential loss or injury to legitimate interests including, but not limited to, business, economic, aesthetic, governmental, recreational, or conservation interests.

AIRPORT ENVIRONS. See Section 21.07.030.

ALLEY. A service road providing a secondary means of public access to abutting property and not intended for general traffic circulation.

ALTERATIONS. Any proposed modification to a designated historic site, structure or district which could have an affect on the character of the historic resource relative to the criteria by which it was designated. Examples of alterations for structures may include additions, any exterior modifications, including signage to be affixed to the facade, and any interior modifications that may affect the characteristics for which the structure was designated.

AMATEUR RADIO. Radio communications, which are licensed or regulated as such by the Federal Communications Commission, and are not subject to provisions of this Code.

AMORTIZATION. A method of eliminating nonconforming uses by requiring the termination of the nonconforming use after a specified period of time.

ANIMAL CARE, BOARDING, SALES. A facility in which four or more animals of the same species are housed, groomed, bred, boarded, trained in return for compensation, or sold. Such facility may offer incidental medical treatment.

ANIMAL CLINIC. Facility for the medical care and treatment of animals under the supervision of a licensed veterinarian with no outdoor accommodations for the temporary boarding of animals.

ANIMAL HOSPITAL. Facility for the medical care and treatment of animals under the supervision of a licensed veterinarian with outdoor accommodations for the temporary boarding of animals.

ANNEXATION. The incorporation of a land area into an existing community with a resulting change in the boundaries of that community.

ANTENNA. Any device designed and intended for transmitting or receiving television, radio, microwave signals, or other electromagnetic waves. An antenna includes all mounting and stabilizing items such as a tower, a pole, a bracket, guy wires, hardware, connection equipment and related items.

APPEAL. A request for a review of the Grand Junction Community Development Department's interpretation of any provisions of this Code or a request for a variance therefrom.

APPLICANT. Any person, firm, partnership, joint venture, association, corporation, group or organization applying for any permit, approval or decision governed or required by this Code. "Developer" or "Subdivider" may be used interchangeably.

APPLICATION. A written request for any approval, permit, or action required by this Code. "Proposals" and "requests" are used interchangeably. An application is not complete until each requirement in this Code is met and all fees are paid.

**APPURTENANCES.** The visible, functional, or ornamental objects accessory to and part of buildings.

**AREA OF INFLUENCE (Airport).** An area surrounding an airport which is impacted or influenced by its proximity to the airport, either by aircraft overflight, noise, vibrations, or by vehicular traffic associated with airport operations.

**AREA OF SPECIAL FLOOD HAZARD (Also Floodplain).** The land in the floodplain subject to a one percent or greater chance of flooding in any given year.

**AUTOMOBILE SALES ESTABLISHMENT AND LOTS.** An open area used for the display, sale or rental of new and/or used motor vehicles.

**AVERAGE.** Unless specified otherwise, the arithmetic mean.

**AVIGATION EASEMENTS.** An avigation easement limits construction and heights of vegetation, and grants the right of flight over the surface together with the right, subject to the applicable local, state, and federal laws (such as noise pollution laws) to cause noise, vibrations, smoke, fumes, glare, dust, fuel particles, and other effects of aircraft operations. (See Section 21.07.030(g).)

**BAR.** Premises used primarily for the sale or dispensing of alcoholic beverages by the drink for on-site consumption and where food may be available for consumption as an accessory use. An establishment that serves both food and alcoholic beverages shall be categorized as a bar if the sale of said beverages comprises more than 25 percent of the gross receipts.

**BASE FLOOD.** The flood having a one percent chance of being equaled or exceeded in any given year.

**BED AND BREAKFAST.** A house, or portion thereof, where short-term lodging rooms and meals are provided. The operator of the inn shall live on the premises or in adjacent premises.



**BERM.** A mound of earth designed so that slope drainage is directed away from a paved area and sidewalks, which serve as a screen or Bufferyard with landscaping (see Section 21.06.040(f)(2)). (See graphic)

**BLOCK.** A land area consisting of contiguous lots established by recorded plats, usually bordered by a combination of streets, public parks, cemeteries, railroad right-of-way, or other barrier to the continuity of development.

**BLOCK FRONTAGE.** All property fronting on one side of a street between intersecting or intercepting streets, or between a street and a street right of way, waterway (wider than 30 feet), or end of a dead end street. An intercepting street shall determine only the boundary of the frontage of the side of the street which it intercepts.

**BOARD.** Unless otherwise indicated in the text, "Board" shall refer to the Zoning Board of Appeals.

**BOARDING AND ROOMING HOUSE.** A building containing a single dwelling unit and three or more rooms where lodging is provided, with or without meals, for compensation. "Compensation" may include money, services or other things of value.

**BUFFERING.** The process of creating transition between zones by use of open spaces, landscaped areas, fences, walls, berms or any combination thereof used to physically separate or screen one use or property from another so as to visually shield or block noise, lights or other nuisances.

**BUFFERYARD.** A strip of land established to protect one type of land use from another land use or to provide screening. Normally, a bufferyard is landscaped and developed in open space areas.

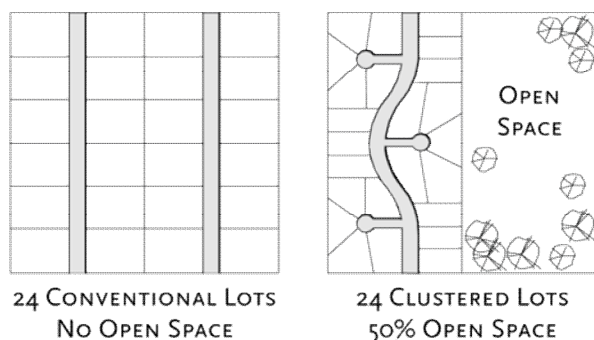
**BUILDING.** Any structure used or intended for supporting or sheltering any use or occupancy. (See also Structure.)

**BUILDING DESIGN CAPACITY.** The maximum occupancy load of a building as provided by the most recent version of the International Building Code adopted by the City.

**BUILDING ENVELOPE.** The three dimensional space occupied by a building, including all eaves, covered porches, breezeways and other portions of the building, but excluding attached decorative walls which are less than or equal to three feet in height.

**BUILDING FAÇADE.** That exterior side of a building which faces, and is most nearly parallel to, a public or private street.

- BULK STANDARD.** Standards applying to individual lots that control the placement, intensity and character of development. Including, but not limited to, the amount of open space on the lot, the height of structures, setbacks from property lines and public rights-of-way, impervious coverage and density.
- BUSINESS RESIDENCE.** A single residential dwelling unit, accessory to, and located within a structure primarily devoted to business or commercial uses (see Section 4.3.1 and 21.04.030(i)).
- CALIPER.** The diameter of a tree trunk.
- CAMPGROUND, OVERNIGHT.** Campground located in urban areas or in close proximity to a major highway intending to serve the traveling public in need of overnight accommodation.
- CAMPGROUND, RECREATIONAL.** Campground located in close proximity to natural recreational areas and/or opportunities providing an outdoor living environment.
- CARETAKER DWELLING.** A dwelling used as the residence for the person who administer, care and maintain a particular community service or recreational use, which dwelling is located on the site of that use.
- CARPORT.** A roofed structure providing space for the storage of one or more motor vehicles and enclosed on not more than two sides by walls.
- CENTERLINE.** The true centerline of a street right of way that has been fully dedicated to the required width according to the master street plan.
- CERTIFICATE OF OCCUPANCY.** As defined in the current International Building Code adopted by the City.
- CHANGE IN USE.** A change from one principal use of a building or land to another principal use of the building or land when there is no increase in the size of the existing building or extent of the use of the land, but one or more of the following factors are present and confirmed for the new use: 1. The new use has an off-street parking requirement per the City Zoning and Development Code which is greater than parking available and necessary per the Code; 2. The number of vehicle trips generated by the new use is or will be greater than the number of vehicle trips generated by the previous use as determined by the Institute of Transportation Engineers Trip Generation, latest edition, and a building permit is required; or 3. The amount of storm water runoff or impervious (to drainage) surface area will be increased with the new use. [Note: if there is a change from one principal use of a Building or land to another principal use of a Building or land, but there is no increase in the size of the existing Building or extent or the Use of the land and none of the three previous factors apply, a change of use shall not have occurred]
- CHANNEL.** A natural or artificial low lying area with definite bed and banks, which confines and conducts continuous or periodic flows of water.
- CITY.** The City of Grand Junction.
- CIVIC USE.** A municipal use that may include cultural, recreational, athletic, convention and entertainment facilities.
- CLEAR ZONE (Airport).** An area located directly off the end of an airport runway in which no above-ground construction or obstruction is permitted.
- CLUSTER/CLUSTERED.** A development that complies with the requirements, rules and design guidelines set forth in Section 21.03.060.
- CLUSTER DEVELOPMENT.** A development design technique that concentrates buildings in specific areas on a site to allow the remaining land to be used for recreation, common open space and preservation of environmentally sensitive areas. (See graphic.)
- CODE.** Unless otherwise specified refers to the City of Grand Junction Zoning and Development Code, which is also referred to as Title 21 of the Code of Ordinances for the City of Grand Junction.
- COLLECTOR STREET.** Streets, as identified in the master street plan which access neighborhoods and routes serving intra-city rather than intra-state travel.



**COLOCATION.** The location of wireless communication facilities on an existing structure, tower, or building in a manner so that an additional tower, structure or facility is not required.

**COMMERCIAL VEHICLE.** Commercial vehicles shall include all vehicles that require the issuance of any of the following license plates by the State of Colorado: passenger bus plates; GVW truck and GVW tractor plates; farm trucks and farm tractor plates; special mobile machinery plates/tabs; special use vehicle plates; light truck plates; but shall not include the following: any vehicle issued any of the above license plates that otherwise would be issued passenger plates or recreational truck plates by the State of Colorado were the vehicle not used for commercial purposes; any pickup truck issued light truck plates with bed rails no higher than thirty inches from the floor of the bed; any van issued light truck plates whose basic design could serve as a passenger van and be issued passenger plates.

**COMMISSION.** The City of Grand Junction's Planning Commission.

**COMMON ELEMENTS.** Land amenities, certain areas of buildings, such as lobbies, corridors and hallways, central services and utilities and any other elements and facilities owned and used by all owners and designated in the master deed as common elements.

**COMMON OPEN SPACE.** Land within or related to a development, not individually owned or dedicated for public use, that is designed and intended for the common use or enjoyment of the residents and their guests of the development and may include such complementary structures and improvements as are necessary and appropriate.

**COMMUNITY CORRECTIONS FACILITY.** 1. A facility providing residential or nonresidential services operated under the direction of a Community Corrections Program, as defined by Sections 17-27-101, et. seq., C.R.S.; or 2. A facility providing residential or nonresidential services substantially similar to that described in Section 17-27-102(3), C.R.S., although not being administered pursuant to Sections 17-27-101 et seq., C.R.S., which is operated by a private individual, partnership, corporation or association. A community corrections facility shall manage and supervise "offenders" in accordance with adopted standards and pursuant to a contract supervised and administered by an agency of the State of Colorado; such a facility is not required to be in direct privity of contract with the State so long as it is subject to the same, or equivalent, standards and rules applicable to a facility which is subject to 17-27-101, et seq., C.R.S. The applicant for a community corrections facility which is not administered pursuant to 17-27-101 et seq., C.R.S. shall identify, and provide as required by the Director, the rules and contract under which such facility is regulated and administered. A community corrections facility shall provide to the Director, upon request, evidence that the facility/program: is subject to 'program audits' by the State, or an agent of the State; and is operating and has been operated in compliance with all applicable standards. "Offenders" means, for the purposes of this definition, person accused or convicted of a felony, misdemeanor or other criminal offense.

**CONCEALED, or STEALTH.** Any tower or telecommunications facility which is designed to enhance compatibility with adjacent land, buildings, structure and uses, including, but not limited to, architecturally screened roof-mounted antennas, antennas integrated into architectural elements and towers designed to not look like a tower such as light poles, power poles and trees. The term stealth does not necessarily exclude the use of uncamouflaged lattice, guyed or monopole tower designs.

**CONCENTRATED FABRICATION (also: Light and Heavy Fabrication).** Fabrication is defined as the manufacturing from standardized parts of a distinct object differing from the individual components.

**CONCEPT PLAN.** A generalized plan indicating the boundaries of a tract or tracts under common ownership, and identifying proposed land use, land use intensity and thoroughfare alignment.

**CONDITIONAL USE.** A use identified by this Code which requires action by the Planning Commission or City Council after public hearings. A conditional use means a use which, because of its unique or varying characteristics, cannot be properly classified as a permitted use in a particular district. After due consideration, as provided for in Section 21.02.110 of this Code, of the impact upon neighboring land and of the public need for the particular use at a particular location, such conditional use may or may not be approved.

**CONDOMINIUM.** As defined in Section 38 33.3 103, C.R.S. or any successor statute.

**CONSTRUCTION PLAN.** Complete construction drawings of a facility or improvement, including but not limited to road plans and profiles, drainage plans and utility plans.

**CONTIGUOUS.** Next to, abutting, or touching and having a boundary, or portion thereof, that is coterminous.

- CONTINUOUS COMMERCIAL CENTER.** One structure with multiple separate uses.
- CONVALESCENT HOME.** A building where persons reside and are provided with medical care designed to restore them to health.
- CONVEY.** To transfer all or a part of a title or equitable interest in land; to lease or assign an interest in land; or to transfer any other land interest.
- COUNSELING CENTER.** A facility where individuals or small groups are provided professional counseling assistance with personal, emotional, marital, medical, or similar problems on an outpatient basis.
- COUNTY.** Mesa County.
- COURTYARD.** An open area, unobstructed from the ground to sky, that is bounded on at least three sides by the exterior walls of one or more buildings.
- CRITICAL ZONE (Airport).** A rectangular shaped zone located directly off the end of a runway's primary surface, which is critical to aircraft operations.
- CUL DE SAC.** A dead end street terminating in a vehicular turn around area.
- CULTURAL FACILITIES.** Establishments that document the social and religious structures and intellectual and artistic manifestations that characterize a society and include museums, art galleries, and botanical and zoological gardens of a natural, historic, educational, or cultural interest.
- CURB FACE.** The vertical or shaped portion of a curb, facing the roadway, and designed to direct storm waters.
- DAYCARE.** An establishment providing for the care, supervision, and protection of children or adults for less than 24 hours.
- DAY-NIGHT SOUND LEVEL (Ldn).** See Section 21.07.030.
- DAYS.** Unless otherwise indicated, the term "days" means calendar, if the period of time referred to is more than 30 days. If the period of time referred to is less than 30 days, "days" means working days (days when the City is open for business).
- DECORATIVE WALL.** Masonry or masonry with wood, with surface variations so that it is dissimilar from a plain cinderblock wall.
- DEDICATION.** The transfer of property by the owner to another party.
- DEED.** A legal document conveying ownership of real property.
- DEFAULT STANDARDS, DEFAULT ZONES.** The underlying zone of a Planned Development (PD) Zone District. The default zone shall be established with any PD zone. The standards for the default zone shall be used unless deviations were specifically approved within the PD zoning ordinance.
- DENSITY.** The number of dwelling units per acre of land.
- DENSITY – MAXIMUM.** Maximum residential density means the number calculated by dividing the total number of dwelling units or residential lots, by the gross acreage expressed in square feet or acres of the development property. Gross land area includes all of the parcel or property at the time a development application is filed. The "gross residential density" is calculated the same as maximum residential density. See Section 21.03.030(j)
- DENSITY – MINIMUM.** This calculation shall apply to the term "net minimum residential density" as used in this Code. Minimum residential density means the number calculated by dividing the total number of dwelling units or residential lots by the net developable land area of the development parcel. See Section 3.6.)
- DEPARTMENT.** The Grand Junction Public Works and Planning Department.
- DESERT LANDSCAPING.** The use of landscaping materials, both vegetative and nonvegetative, which are native to an arid or semiarid climate. (See Water wise.)
- DESIGN CAPACITY.** The maximum occupancy load of a building as defined and determined by the International Building Code (I.B.C.).
- DEVELOPER.** A person, firm, partnership, joint venture, association, corporation, groups or organization who shall participate as owner, promoter, developer or sales agent in the planning, platting, development, promotion, sale or lease of a development.
- DEVELOPMENT.** Development includes all property adjacent or abutting, whether or not to be then planned or developed, owned by the same owner. Includes any of the following: the division of a parcel of land into two or more parcels; the

construction, reconstruction, conversion, structural alteration, relocation or enlargement of any structure; any mining, drilling, excavation, clearing of roadways or building sites, landfill or land disturbance and any use or extension of the use of land, the placement of a use on any property, or any planned development. Development does not include movement of earth associated with crops and/or farming or landscaping.

**DEVELOPMENT APPLICATION.** Any request for approval, permission or other action made pursuant to the provisions of this Code.

**DEVELOPMENT SCHEDULE/PHASING SCHEDULE.** Regulating the rate and geographic sequence of development so as to ensure that each phase can stand on its own in terms of circulation, utilities, and so on, in the event subsequent phases are delayed or cancelled.

**DIA.** Development Improvements Agreement

**DIRECTOR.** The administrator of the Code shall be the Director of the Grand Junction Public Works and Planning Department and/or designated staff.

**DISPOSITION.** A transfer of all or part of a title or equitable interest in land; a lease or an assignment of an interest in land; or any other transfer or conveyance of an interest in land.

**DISTRICT.** Same as Zone.

**DRIVE IN.** Facilities customarily providing parking spaces for the ordering, delivery, and consumption of a product or service in a parked vehicle.

**DRIVEWAY.** A private roadway providing access to a street or highway, excluding the sidewalk when parking vehicles in the driveway.

**DWELLING UNIT.** One or more rooms designed, occupied, or intended for occupancy as a separate living quarter, with cooking, sleeping and sanitary facilities provided within the dwelling unit for the exclusive use of a single-family maintaining a household.

**DWELLING, MULTIFAMILY.** A building arranged, designed, and intended to be used for occupancy by three or more families living independently of each other and containing three or more dwelling units on the same or separate lots.  
**DWELLING, SINGLE-FAMILY, DETACHED.** A single family dwelling which is not attached to any other dwelling or building by any means, on a single lot.

**DWELLING, TWO FAMILY.** A building containing two single family dwelling units on the same lot and separated by an unpierced common wall extending from ground to roof; or a single family dwelling attached to only one other single family dwelling unit by a common wall, with each dwelling located on separate lots.

**EASEMENT.** An interest in land that is less than fee title which entitles the holder to a specific limited use or enjoyment.

**ELDERLY OR DISABLED PERSONS HOUSING, DEPENDENT.** Dwellings for long-term accommodation of persons who for any reason require on-going medical supervision or assistance with normal daily functions of living.

**ELDERLY OR DISABLED PERSONS HOUSING, INDEPENDENT.** Dwellings for long-term accommodation of elderly or disabled persons who do not require regular medical supervision or assistance with normal daily functions of living.

**ELDERLY OR DISABLED PERSONS HOUSING, SEMI-INDEPENDENT.** Dwellings for long-term accommodation of elderly or disabled persons who require periodic, but not daily supervision or assistance with normal daily functions of living.

**EMINENT DOMAIN.** The authority to acquire or take, or to authorize the taking of private property for the public use or public purpose.

**ENGINEER.** Engineer licensed by the Colorado Board of Registration.

**EQUIPMENT.** Rolling stock or movable personal property except that, for the purpose of this Code, it shall not include those items defined as heavy equipment.

**EVERGREEN.** A plant with foliage that remains green year-round.

**EVIDENCE.** Any map, table, chart, contract or other document or testimony prepared or certified which is offered by a person to establish a claim, condition or assertion.

**EXACTION.** Contributions or payments required as an authorized recondition for receiving a development permit.



**EXISTING MANUFACTURED HOME PARK OR SUBDIVISION.** A manufactured home park for which the construction of facilities serving the lots on which the manufactured homes are to be affixed are completed before the effective date of this Code. Section 21.04.030(f)

**EXPANSION OF EXISTING MANUFACTURED HOME PARK OR SUBDIVISION.** The preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

**EXOTIC ANIMALS.** Those animals not defined as household pets or agricultural animals.

**EXTRACTIVE USES.** Surface and/or subsurface natural resources which may be extracted from the land. This includes exploratory drilling or mining but excludes individual water well drilling.

**F.A.A.** Federal Aviation Administration

**F.I.A.** Flood Insurance Administration

**FAÇADE.** The exterior walls of a building exposed to public view or that wall viewed by persons not within the building.

**FAMILY.** Any number of related persons living together within a single dwelling unit as a single housekeeping unit, but not more than four persons who are unrelated by blood, marriage, guardianship or adoption.

**FAMILY FOSTER HOME.** A home which receives one to four children for regular full time care.

**FARM AND RANCH STRUCTURES AND USES.** Those structures and uses devoted to the shelter and raising of livestock, poultry, feed, flowers, crops, field equipment or other agricultural items, with or without a dwelling unit.

**FARMERS MARKET.** A structure or place where agricultural produce is brought for the purposes of retail sales. (Note: A farmers market differs from a produce stand in that there may be more than one seller allowed per parcel of land and the structure from which produce is sold at a Farmers Market need not be portable or capable of being dismantled or removed from the site.)

**FEED LOT.** An area which is used for custom feeding of livestock where the owners of said livestock pay for yardage, feed and feed processing.

**FEMA.** Federal Emergency Management Agency

**FENCE.** An artificially constructed barrier of any material or combination of materials, including walls but not retaining walls interior to the property, erected to enclose, screen, or separate areas. ("Material" does not include vegetation.)

**FENESTRATION.** The arrangement of windows and other exterior openings on a building.

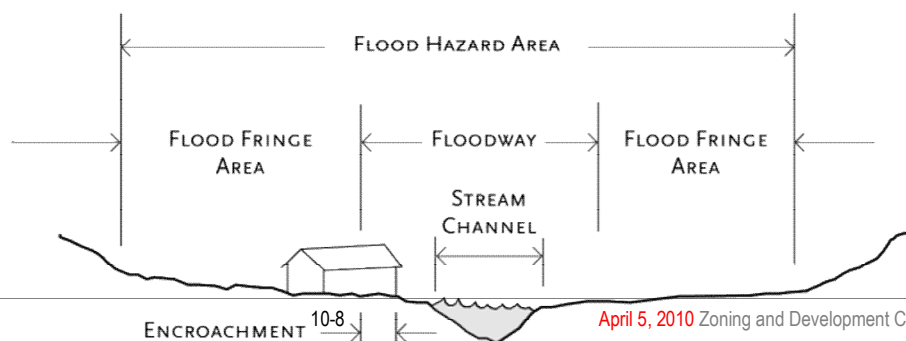
**FINAL PLAT.** A survey map of record which indicates the boundaries for streets, blocks, lots and other property divisions which is prepared pursuant to Section 21.02.070(s) of the Code.

**FIRE FLOW SURVEY.** A testing of fire hydrants to determine capacity by volume and pressure for firefighting purposes in accordance with the requirements of the City FireDepartment.

**FLASHING SIGN.** A sign which contains an intermittent or flashing light source or a sign which includes the illusion of intermittent or flashing light by means of animation or an externally mounted light source.

**FLEA MARKETS.** A flea market, swap shop, or similar activity by whatever name, where the use involves the setting up of two or more booths, tables, platforms, racks, or similar display areas for the purpose of selling, buying, or trading merchandise, goods, materials, products, or other items offered for sale outside an enclosed building. Flea markets do not include any of the following activities which occur at the same location four or fewer days in any calendar year: garage sales, produce stands, garage sales or fund-raising activities done by a nonprofit organization.

**FLOOD or FLOODING.** A general and temporary condition of partial or complete inundation normally dry



- land areas from: 1. The overflow of inland waters; and/or, 2. The unusual and rapid accumulation or runoff of surface waters from any source. (See graphic)
- FLOOD FRINGE DISTRICT. That area within a 100 year floodplain where the flood waters are relatively shallow, and move at velocities from one to four feet per second. (See graphic)
- FLOOD INSURANCE RATE MAP (FIRM). The official map on which the Federal Emergency Management Agency has delineated both the areas of special flood hazards and the risk premium zones.
- FLOOD INSURANCE STUDY. The official report provided by the Federal Emergency Management Agency that includes profiles, the Flood Boundary-Floodway Map, and the water surface elevation of the base flood.
- FLOODPLAIN. An area adjacent to a watercourse which may be subject to flooding as a result of an increase in water flow beyond a normal high watermark. (See graphic)
- FLOODPLAIN DEVELOPMENT. Any man made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations located within the area of special flood hazard. (See graphic)
- FLOOD PROFILE. Hydrological conclusions based upon historical facts and engineering principles represented graphically showing the relationship of the water surface elevation during a 100 year flood to the channel and adjacent topography.
- FLOOD PRONE AREA. An area near a watercourse which is subject to flooding during a 100 year flood based on historical information, topography, vegetation and other indicators, but where the precise dimensions of a 100 year Floodplain have not been delineated by Federal Emergency Management Agency studies. (See graphic)
- FLOODPROOFING. A combination of provisions, changes or adjustments to structures and movable objects or to surrounding areas, primarily for the reduction or elimination of flood damage.
- FLOOD REGULATORY AREA. That portion of the floodplain which is subject to inundation by a 100 year flood. This area may be divided into the floodway district and the flood fringe district. (See graphic)
- FLOODWAY. The channel of a river or other water course and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot. (See graphic)
- FRONTAGE. The frontage of a parcel of land is that distance where a property line is common with a road right of way line.
- FRONT LOT LINE. The property line dividing a lot from a road right of way.
- FULL CUTOFF LIGHT FIXTURE. A light fixture in which no more than two and one-half percent of its total output is emitted above ninety degrees from the vertical pole or building wall on which it is mounted.
- GARAGE, PUBLIC. A structure, or portion thereof, other than a private customer and employee garage or private residential garage, used primarily for the parking and storage of vehicles and available to the general public.
- GASOLINE SERVICE STATION. Buildings and/or surfaced area where motor vehicles may be refueled and/or serviced.
- GEOLOGIC HAZARD AREA. An area identified by a qualified State or Federal government agency as containing or being directly affected by a geologic hazard.
- GFA. See "Gross Floor Area."
- GRADE. The lowest point of elevation of the finished surface of the ground, paving or sidewalk within the area between the building and the property line or, when the property line is more than five feet from the building, the point between the building and a line five feet from the building.
- GRADE, FINISHED. The level of the soil after completion of site development.
- GRADE, NATURAL. The undisturbed ground level which may be determined by on site evidence (vegetation, ground level on adjacent land, elevation of adjacent streets and roads, soil types and locations, etc.)
- 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.



- GRANNY FLAT, ELDER COTTAGE AND ACCESSORY APARTMENT.** A separate, self-contained, living unit placed on the same parcel as and adjacent to the existing primary residence as a dwelling unit for a relative who is either over the age of sixty (60) years or has a disability requiring an assisted, but independent, living arrangement. This definition also shall include an accessory apartment that is built onto or into an existing single-family dwelling unit for the same purpose. Such units are small, complete living units which have a living area, kitchen, bathroom and separate entrance.
- GREENHOUSE.** See Nursery-Greenhouse.
- GROSS ACRE.** A full acre of land prior to subdivision and prior to dedication of any required rights of way or easements.
- GROSS ACREAGE.** The area of a proposed development, including proposed dedications of easements, rights-of-way or other property rights, but excluding existing rights-of-way dedicated prior to January 1, 1995.
- GROSS FLOOR AREA (GFA).** The sum of the areas of all floor levels of a building or structure measured within the exterior face of exterior walls or the centerline of walls separating two abutting buildings, but excluding any space where floor-to-ceiling height is less than 6.5 feet.
- GROSS LEASABLE AREA (GLA).** The total building area, expressed in square feet and designed for tenant occupancy and exclusive use, including any basements, mezzanines, or upper floors, as measured from exterior walls or the centerline of walls separating two abutting buildings, but excluding any space where floor-to-ceiling height is less than 6.5 feet.
- GROUND COVER.** Grass or other plants and landscaping grown to keep soil from being blown or washed away.
- GROUND SUBSIDENCE.** A process characterized by the downward displacement of surface material caused by phenomena such as removal of underground fluids, natural consolidation, or dissolution of underground minerals or by manmade phenomena such as underground mining.
- GROUND STORY.** The story closest to and above grade along the street.
- GROUND WATER.** Subsurface water within and below the zone of continuous saturation.
- GROUP LIVING, LARGE.** A group living facility shared by or the residence of more than eight but fewer than 17 unrelated persons, exclusive of staff.
- GROUP LIVING, SMALL.** A group living facility shared by or the residence of more than four, but up to eight unrelated persons, exclusive of staff.
- GROUP LIVING, UNLIMITED.** A group living facility shared by or the residence of 17 or more unrelated persons, exclusive of staff.
- GROUP RESIDENCE.** Dormitory, sorority, fraternity, and/or lodging where three or more individual rooms are occupied by residents who stay for periods of at least thirty days.
- GUEST RANCH.** A working ranch with an accessory use for the lodging and/or boarding of guests which provides recreational activities on, or adjacent to, the ranch.
- HARDSCAPE.** Stone, brick, rock, sand, textured or shaped concrete, decorative walls and/or pedestrian facilities (i.e. benches, tables, play equipment, walking or bike paths).
- HAZARD PRONE AREA.** An area which has not yet been designated by the State or federal government as a geological hazard area but where historical evidence, climatological data, surface or subsurface geological, topographical, vegetative, or other on site naturally occurring factors indicate a relatively greater risk of property damage than exists on other parcels in the City.
- HAZARDOUS SUBSTANCE.** Any material that, by reason of its toxic, corrosive, caustic, abrasive or otherwise injurious properties, may be detrimental or deleterious to the health of any person handling or otherwise coming into contact with such material or substance.
- HEADWATER.** The source of a stream or river.
- HEALTH CLUB.** An establishment that provides facilities for exercise activities, such as running, jogging, aerobics, weight lifting, court sports and swimming, as well as locker rooms, showers, massage rooms, saunas and related accessory uses.
- HEALTH DEPARTMENT.** The Mesa County Health Department.

- HEAVY EQUIPMENT.** Large equipment including, but not limited to: trucks with greater than a one and one-half ton rating, cranes, crawler type tractors, earth movers, dump trucks and other equipment of equal or greater size and weight.
- HEDGE VEGETATION.** A plant from the list approved by the City Forester which will grow, with regular trimming, to a height of four to six feet maximum. At planting, the hedge shall be at least one foot high.
- HEIGHT OF STRUCTURE.** The vertical distance from the grade to the highest point of any portion of a structure. See Section 21.03.030(f)
- HELIPAD.** A facility without the logistical support provided by a Heliport (see Heliport) where helicopters take off and land. Helipads do not include facilities for maintenance, repair, fueling or storage of helicopters.
- HELIPORT.** An area providing an area for the take-off and landing of helicopters and fuel facilities (whether fixed or mobile) or appurtenant areas for parking, maintenance, and repair of helicopters.
- HIGHEST ADJACENT GRADE.** The highest natural elevation of the ground surface prior to construction next to the proposed wall of a structure.
- HIGH WATERMARK.** The ordinary high water level or bank of a stream, river, lake or impoundment which, in the absence of evidence to the contrary, shall be presumed to be the edge of the vegetation growing along the shore.
- HILLSIDE DISTURBANCE.** Includes any and all areas of the building site disturbed during construction by grading or excavation and temporary or permanent construction for all buildings, parking areas, driveways, roads, sidewalks, and other areas of concrete, asphalt, or other construction materials.
- HOMELESS SHELTER.** A structure or portion thereof in which sleeping accommodations are provided for the homeless for less than six months. A homeless shelter shall be classified as "lodging".
- HOME OCCUPATION** A business activity conducted as an accessory use to a dwelling unit. See Section 21.04.040(g)
- HOMEOWNERS ASSOCIATION.** A formally constituted nonprofit association made up of the property owners and/or residents of a fixed area, which association is formed for the purpose of assuming permanent responsibility for costs and upkeep of common areas, open space and similar shared facilities.
- HOSPITAL.** Any building used for overnight accommodation and medical care of human patients including sanitariums, but excluding clinics, long-term care facilities and convalescent homes.
- HOUSEHOLD.** A family living together in a single dwelling unit, with common access to and common use of all living and eating areas and all areas and facilities for the preparation and serving of food within the dwelling unit.
- HOUSEHOLD PETS.** Those animals which are commonly kept as pets: dogs, cats, fish, small birds (e.g. parakeets, parrots), rodents (e.g. mice, rats), and reptiles (nonpoisonous snakes, lizards).
- IMPACT FEE.** A fee imposed on a development to help finance the cost of improvements or services.
- IMPERVIOUS SURFACE.** Any material that prevents absorption of storm water into the ground.
- IMPOUND LOT.** A lot for the storage of vehicles which have been towed or otherwise moved to the lot by a towing carrier permitted to operate pursuant to Sections 40-13-101 et seq. C.R.S., in which lot no vehicle dismantling or repair work occurs.
- IMPROVEMENTS.** Right of way pavements, curbs, gutters, sidewalks, paths, trails, bikeways, sedimentation control facilities, revegetation, landscaping, water mains, sanitary and storm sewers, drainageways, gas lines, electrical and telephone lines and appurtenances, street signs, trees and lights, lot pin monuments, range point boxes, and any other similar items required for compliance with the regulations of this Code or the conditions of approval.
- INFILL DEVELOPMENT.** The development of new housing or other buildings on scattered sites in a built-up area.
- INFRASTRUCTURE.** Facilities and services needed to sustain industry, residential, commercial and all other land use activities.
- INTEGRAL UNITS.** Items, equipment, or machinery which are assembled or constructed to function as a single unit, such as, but not limited to, large cranes, drilling rigs or other large vehicles, large diameter pipes or culverts, large scale motors or transformers, etc. Or, in the case of salvage or junkyards, shelving or other storage units, not to exceed 20 feet in height, which are used to store and display salvage items.
- IRRIGATION OR IRRIGATE.** Use of water, whether or not potable, to sustain or grow landscaping or flora.

**JUNK.** Ferrous or nonferrous metals, wood or wood products, appliances not used for their intended purposes, rubber or plastic products, dismantled or inoperable machinery, equipment, tools, junk vehicles, trash or similar materials. The term "Junk" excludes outside storage permitted as an accessory use under the provisions of Section 21.04.040.

**JUNK VEHICLE.** Any motor vehicle, trailer, or semitrailer, as those terms are defined by Section 42 1 102, C.R.S. that: is not operable in its existing condition because of damage or because parts necessary for operation such as, but not limited to, tires, engine, or drive train are removed, destroyed, damaged, or deteriorated; or, is not capable of being lawfully driven on a public highway or street pursuant to the minimum standards set forth in Title 42 of the Colorado Revised Statutes. Any such motor vehicle, trailer, or semitrailer shall be presumed to be a junk vehicle if no current Colorado license plates are displayed thereon, or if Colorado license plates have been invalid for more than 60 days. (Note: The owner or possessor of such a Motor Vehicle, trailer, or semitrailer may rebut such a presumption by providing proof of current registration or licensing (see Motor Vehicle Repair Shop).

**JUNKYARD.** Any yard, lot, land, parcel, building or structure, or part thereof, used for storage, collection, processing, purchase, sale, salvage or disposal of used or scrap materials, equipment, vehicles or appliances. Junkyards include, but are not limited to wrecking yards, salvage yards and automobile impoundment areas where stored vehicles are inoperative or unlicensed. Junkyards do not include storage of vehicles used for agricultural purposes on a property used for agricultural purposes, or facilities qualifying as motor vehicle repair shops.

**JURISDICTION.** The sphere of responsibility of the Grand Junction City Council or a political subdivision of the State.

**LAND USE.** List of uses within categories enumerated in this Code for various uses of land in the City.

**LAND RECLAMATION.** Increasing land use capability by changing the land's character or environment through drainage and/or fill.

**LANDLOCKED PARCEL.** A parcel of land without access of record with the County Clerk and Recorder.

**LANDSCAPE.** An area set aside from structures and parking which is developed with natural materials (i.e. lawns, trees, shrubs, vines, hedges, bedding plants, rock) and decorative features, including paving materials, walls, fences and street furniture.

**LATERAL SEWER.** A sewer which discharges into a trunk line and has only collection lines tributary to it. A line from a structure or use which discharges into a collection line is not a lateral.

**Ldn CONTOUR.** See Section 21.07.030.

**LEASEHOLD INTEREST.** A contractual agreement for a possessory estate for the use of lands, structures, buildings or parts thereof for a fixed time and consideration.

**LIGHTING.** An artificial supply of light or the apparatus providing it.

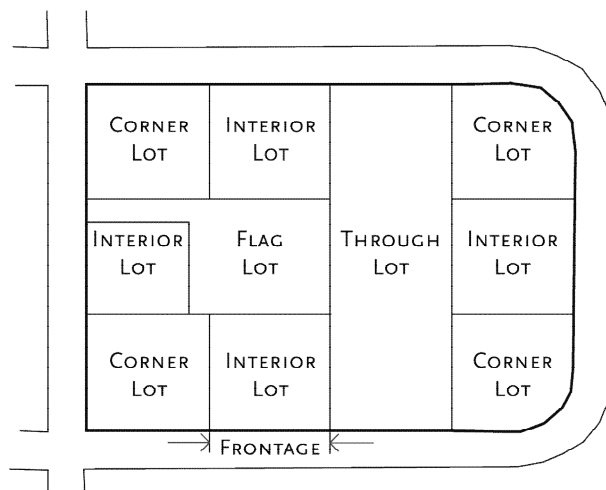
**LOADING SPACE.** An off street portion of a parcel for the temporary parking of commercial vehicles while loading or unloading materials for use or sale on the parcel. This space shall open onto a street or alley, and any use of the space shall not obstruct pedestrian or vehicular traffic upon the street or alley.

**LOCAL ROAD OR STREET.** Provides direct access to adjacent land and access to higher street classifications. All streets or roads not otherwise classified are local.

**LODGE.** A structure providing lodging or boarding for guests, located in close proximity to natural recreational areas and/or opportunities.

**LOT.** A parcel of land that is defined on a subdivision plat of record, which is intended to be occupied by a principal building or building and open space. Streets are not included in this definition. (See graphic)

**LOT AREA.** The area of the lot shall be the horizontal area of the lot and shall not include portions of streets and alleys.



- LOT, CORNER. A lot abutting upon two or more intersecting streets. (See graphic)
- LOT COVERAGE. That area of the lot or parcel which may be occupied by principal and accessory structures, and other impervious surfaces.
- LOT DEPTH. The horizontal distance from the front property line to the rear property line. If front and rear property lines are not parallel, the lot depth is the shortest distance between the front and rear property lines.
- LOT, DOUBLE FRONTAGE (THROUGH LOT). An interior lot having frontage on two nonintersecting streets.
- LOT, FLAG. A lot having no frontage or access to a street or place except by a narrow strip of land.
- LOT FRONTAGE. The distance for which a lot abuts on a street.
- LOT, INTERIOR. A lot whose side lines do not abut on any street.
- LOT LINE. A line of record bounding a lot which divides one lot from another lot or from a public or private street or any other public space.
- LOT WIDTH. The horizontal distance measured at the frontyard setback line between side property lines measured parallel to the street, said property lines or to the tangent of a curved street property line. If side property lines are not parallel, the lot width is the shortest distance between the side property lines.
- LOW TRAFFIC STORAGE YARD. An enclosed outdoor storage area generating less than 30 average daily trips (30 ADT).
- LOWEST FLOOR. The lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage, in an area other than a basement area, is not considered a building's lowest floor, provided that such enclosure is not built so as to render the structure in violation of the applicable nonelevation design requirements of this Code.
- MACHINE SHOP. A structure containing machinery for the manufacture, modification or repair of metal goods and motor Vehicle equipment. This use does not include the dismantling of Motor Vehicle parts and equipment.
- MAINTAIN. To use, to keep in existence. To continue upkeep is not required to meet the definition of "maintain."
- MAJOR SHOPPING CENTER. A group of retail and service establishments which are planned and managed as a total entity, and which includes more than 250,000 square feet of gross leasable floor area.
- MAJOR SUBDIVISION. A subdivision consisting of two or more proposed new lots.
- MANUFACTURED HOME. Factory built, single-family structures that meet the National Manufactured Home Construction and Safety Standards Act (42 U.S.C. Sec. 5401 et seq.), commonly known as the HUD (U.S. Department of Housing and Urban Development) code.
- MANUFACTURED HOME PARK. A parcel of land used for the continuous accommodation of five or more occupied manufactured homes and operated for the pecuniary benefit of the owner of the parcel of land, his agents, lessees, or assignees. A manufactured home park does not include manufactured home subdivisions or property zoned for manufactured home subdivisions.
- MANUFACTURED HOME SUBDIVISION. A parcel or contiguous parcels of land subdivided into two or more lots configured for development of manufactured housing.
- MANUFACTURED HOUSING. A manufactured structure designed for residential occupancy that conforms to all applicable Federal construction and safety standards certifications (42 U.S.C.S. §5401 et. seq.). Construction and safety certification shall be affixed in the original and permanent condition and shall not be removed.
- MASTER PLAN. A long range plan for major institutional and civic facilities that considers community benefits and impacts.
- MASTER STREET PLAN (now known as the Grand Valley Circulation Plan). The plan or components of the plan adopted by the City of Grand Junction showing the existing and future layout and classifications of streets within the City.
- MEDICAL TREATMENT. Health care facilities as well as establishments providing support to the medical profession and patients, such as medical and dental laboratories, blood banks, oxygen, and miscellaneous types of medical supplies and services.

- MEMBERSHIP CLUB.** An organization with established formal membership requirements, bylaws and objectives, but not including groups organized primarily to provide profit for the club or any of its members.
- MINI WAREHOUSE.** A structure containing separate, individual, and private storage spaces of varying sizes, leased or rented on individual leases for varying periods of time.
- MINOR ARTERIAL.** Streets, as identified in the Grand Valley Circulation Plan, which have a relatively high overall travel speed, with minimal interference and which interconnect with the principal arterial system.
- MITIGATION.** Methods used to alleviate or lessen the impact of development.
- MOBILE HOME.** A single-family dwelling, factory built and factory-assembled residence which does not comply with the National Manufactured Homes Construction Safety and Standards Act. (42 U.S.C. Sec. 5401 et seq., 1978 as amended).
- MOTOR HOME.** A vehicular designed unit built on, or permanently attached to, a self propelled vehicle chassis, van, or chassis cab, which is an integral part of the complete vehicle, to provide temporary living quarters for recreational, camping, or travel use.
- 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 Section 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.
- MUDFLOW.** A flowing mass of predominantly fine grained earth material possessing a high degree of fluidity during movement.
- MULCH.** Wood chips, bark, rock or other accepted material placed around plants to assist in moisture retention and weed prevention.
- MUNICIPALITY.** An incorporated city or town.
- NATURAL HAZARD.** A geologic, floodplain, or wildfire hazard as identified by a State or federal agency.
- NATURAL RESOURCE.** Existing natural elements relating to land, water, air, plant and animal life, including, but not limited to soils, geology, topography, surface and subsurface waters, wetlands, vegetation and animal habitats.
- NEIGHBORHOOD.** An area of a community with characteristics that distinguish it from other areas and that may include distinct ethnic or economic characteristics, housing types, schools, or boundaries defined by physical barriers, such as major highways and railroads or natural features, such as rivers. (Note: Historically, the Neighborhood was defined as the area served by an elementary school, with shopping and recreation facilities to serve Neighborhood residents. While the description is probably dated, the Neighborhood designation is useful in analyzing the adequacy of facilities and services and in identifying factors affecting the quality of the built environment. In addition, as a distinct and identifiable area, often with its own name, Neighborhoods are recognized as fostering community spirit and a sense of place, factors recognized as important in community planning.) Or: That area with definite boundaries as determined by the Director on a case-by-case basis to meet the intent and purpose of the Code.
- NEIGHBORHOOD ASSOCIATION.** Any group that has been recognized by the Community Development Department or has registered with the Community Development Department the boundaries of a particular area with which it is related and which the association represents.
- NEIGHBORING.** Any first or second lot in either direction along the same side of the street from the subject lot, or any lot that fronts directly across from the subject lot or first or second lot adjacent thereto.
- NET FLOOR AREA.** The square footage of the primary use area of a building including restrooms, hallways and stairwells, but not including normally unoccupied areas such as garages, storage rooms, furnace areas, etc.
- NEW CONSTRUCTION.** For purposes of Section 21.07.010, Floor Damage Prevention, structures for which the "start of construction" commenced on or after the effective date of the ordinance enacting Section 21.07.010, and includes any subsequent improvements to such structures.
- NEW MANUFACTURED HOME PARK OR SUBDIVISION.** A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is

- completed on or after the effective date of the ordinance enacting Section 21.07.010, Flood Damage Prevention Regulations.
- NIGHT CLUB.** A commercial establishment dispensing alcoholic beverages for consumption on the premises and in which music, dancing or live entertainment is conducted. An establishment that serves both food and alcoholic beverages shall be categorized as a bar/nightclub if the sale of said beverages comprises more than 25 percent of the gross receipts.
- NODE.** An identifiable grouping of uses subsidiary and dependent upon a larger urban grouping of similar or related uses.
- NONCONFORMING.** A legal use, structure, and/or development which existed prior to the adoption of this Code or any amendment thereto, which does not presently conform to this Code or its amendments.
- NONCONFORMING STRUCTURE OR BUILDING.** A structure or building, the size, dimensions, or location of which was lawful prior to the adoption, revision, or amendment to the zoning ordinance but that fails by reason of such adoption, revision, or amendment to conform to the present requirements of the zoning district.
- NONCONFORMING USE.** A use or activity that was lawful prior to the adoption, revision or amendment of the zoning ordinance but that fails by reason of such adoption, revision, or amendment to conform to the present requirements of the zoning District.
- NONPROFIT.** Organizations having 501(c)(3) filing status with the Internal Revenue Service.
- NOTICE.** The method of informing persons of requests, hearings, actions taken and similar actions. The form and specifics of notice will vary depending on the application, step and other factors.
- NURSERY.** A place where plants are raised, acquired, and maintained for transplanting or sale.
- NURSERY/GREENHOUSE/LANDSCAPING MATERIALS.** A place where plants are raised, acquired, and maintained for transplanting or sale. It may also include, either exclusively or in conjunction with the above activities, the sale of materials commonly used for landscaping purposes, such as soil, rock, bark, mulch and other materials determined by the Director to be landscaping materials. Sale or rental of small landscaping tools and supplies may be an accessory use.
- NURSERY SCHOOL/PRESCHOOL/DAY CARE.** A school and/or care facility which is licensed by the State and is maintained for the whole, or part of, the day for more than six children.
- NURSING HOME.** An establishment licensed by the State which maintains and operates, for compensation, continuous day and night facilities providing room and board, personal services, and medical care for two or more persons not related to the operator of the home.
- OBSTRUCTION.** (Relating to floodplains) A dam, wall, embankment, levee, dike, pile, abutment, projection, excavation, channel rectification, culvert, building, fence, stockpile, refuse, fill, structure or material, in, along, across, or projecting into any drainageway, channel, or watercourse, which might impede, retard or change the direction of the flow of water, either by itself or by catching and collecting debris carried by the water, or which is placed where the 100 year flood may carry the debris downstream.
- OFF-SITE IMPROVEMENT.** Improvements required to be made off-site as a result of an application for development and including, but not limited to, road widening and upgrading, storm water facilities and traffic improvements.
- OFF-SITE PARKING.** Parking provided for a specific use, but located on a site other than the one on which the specific use is located.
- OFF STREET PARKING SPACE.** The space required to park one vehicle, exclusive of access drives, and not on a public right of way.
- ONE HUNDRED YEAR (100 YEAR) FLOODPLAIN.** The low land near a watercourse which has been, or may be, covered by water of a flood of 100 year frequency, as established by engineering practices of the U.S. Army Corps of Engineers and/or the Colorado Water Conservation Board. It shall also mean that a flood of this magnitude may have a one-percent change of occurring in any given year.
- OPEN MINING.** The mining of natural mineral deposits by removing the overburden lying above such deposits and mining directly from the deposits exposed. The term includes, but is not limited to, such practices as open cut mining, open pit mining, strip mining, quarrying and dredging.



- OPEN SPACE.** Any property or portion without any structure or impervious surface and not designated and used for a specific purpose.
- OPEN SPACE, COMMON.** Open space within a development that is owned in common by a Homeowners Association and which is designed and intended for the common use or enjoyment of the residents or occupants of the development. Common open space does not include areas used for streets, alleys, driveways or off-street parking or loading areas. However, the area of recreational activities such as swimming pools, tennis courts and other recreation facilities may be counted as common open space.
- OPEN SPACE FEE.** A fee paid by the developer of a new residential development to the City for the purpose of acquisition and development of open space.
- OTHER ANIMALS.** Those animals not already defined as household pets or agricultural animals.
- OUTDOOR CULTURAL EVENTS.** Entertainment, educational and cultural events generally involving the outdoor assembly of 50 or more people.
- OUTDOOR LIVING AREA.** Any property or portion thereof which is permanently set aside for public or private use, is landscaped with living plant material (a minimum of 75 percent coverage), and will not be further developed. The area can include landscape buffers. The area calculation excludes detention areas, parking areas, and driveways.
- 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 21.04.040(h)
- OUTLINE DEVELOPMENT PLAN (ODP).** An ODP is required for a Planned Development. The purpose of an ODP is to demonstrate conformance with the Comprehensive Plan in addition to the approval criteria in Section 21.02.150(b)(2)
- OVERBURDEN.** All the earth and other materials which lie above natural mineral deposits or materials disturbed from their natural state in the process of mining and/or other Development.
- OVERFLOW PARKING.** Any off-street, ground level open area used for the temporary storage of excess motor vehicles.
- OVERLAY DISTRICT.** A zoning district which has been superimposed over basic districts to address development constraints which require special attention and treatment and to alert developers to issues they need to address in preparing an application to development.
- OWNER.** An individual, firm, association, syndicate, partnership, or corporation having sufficient proprietary interest to seek development of land.
- PARCEL.** An area of land defined by a legal description and recorded with the County Clerk and Recorder.
- PARK IMPACT FEE.** A fee paid by the developer of a new residential development to the City for the purpose of acquisition and development of park facilities.
- PARKING GARAGE.** An attached or detached building which is intended for the storage of motor vehicles and is available for use by the general public for free or for a fee.
- PARKWAY STRIP.** The undeveloped portion of right-of-way between the back of curb and the detached sidewalk.
- PEDESTRIAN RIGHT OF WAY.** A right of way or easement dedicated for public pedestrian access.
- PERSIGO AGREEMENT.** Agreement between the City of Grand Junction and Mesa County, signed on October 13, 1998, setting forth the agreed upon boundaries of the 201 Sewer District and how development and annexation shall occur within those boundaries.
- PERSON.** Means natural persons as well as any other entity recognized by law, including: association, partnership, corporation, and joint venture, whether for profit or nonprofit.
- PERVIOUS SURFACE.** Any material that permits full or partial absorption of storm water into previously unimproved land.
- PETITIONER.** An applicant.
- PHARMACY.** A building, or part of a building, used for the dispensing of medicines or medical supplies only.
- PHASING.** Development undertaken in a logical time and geographical sequence.

- PLANNED DEVELOPMENT (PD).** An area of land zoned and improved as a development for which the otherwise applicable bulk use and other requirements may be modified in order to allow for more flexible planning in conformance with the development approval process.
- PLANNING CLEARANCE.** A permit that allows development to proceed, a use to be made or maintained or improvements, including structures to be built.
- PLANNING COMMISSION.** The City of Grand Junction's Planning Commission. Also referred to as Commission.
- PLAT.** A map approved by the City which creates lots or tracts and is recorded, surveyed and legally described land, having appropriate dedication and/or restrictions, which is an instrument for recording of real estate interests with the Mesa County Clerk and Recorder's office.
- PLAT, FINAL.** A map of all or a portion of a subdivision or site plan that is presented to the approving authority for final approval.
- PORTABLE SIGN.** See Sign, Portable.
- PRELIMINARY PLAN.** The map or maps of a proposed development and supporting materials which permit the evaluation of the proposal prior to final detailed engineering and design.
- PRELIMINARY SUBDIVISION PLAN.** A map indicating the proposed layout of the subdivision or site plan that is submitted to the approving authority for preliminary approval.
- PRINCIPAL ARTERIAL.** Streets, as identified in the Grand Valley Circulation Plan which provide a network of continuous routes serving intrastate and interstate travel as well as interurban and intraurban travel.
- PRINCIPAL STRUCTURE.** The structure in which the principal use of a property is conducted. This shall include any buildings which are attached to the principal structure by a covered structure.
- PRINCIPAL USE.** The main or primary use of a parcel of land.
- PRIVATE.** Anything not owned or operated by the federal government, state government, or any political subdivision.
- PRODUCE STAND.** A temporary open air stand or place for the seasonal selling of agricultural produce. A produce stand must be portable and capable of being dismantled or removed from the sales site. (See also Farmers Market.)
- PROFESSIONAL OFFICE.** An office of a member of a recognized profession maintained for the conduct of that profession and not including storage or sale of merchandise as a primary use.
- PROJECTION.** The distance by which a sign extends over public property.
- PROPERTY.** A lot, parcel, tract or other real estate. Separate parcels, lots, tracts and/or other real estate which are under the same ownership and which adjoin or abut are, for the purposes of this Code, treated as one lot, parcel or tract or other real estate, even if classified as different tax parcels and even if separated by a right of way, watercourse or similar barrier.
- PUBLIC.** Anything owned or operated by the federal government, state government, or any political subdivision.
- PUBLIC BUILDING.** Any building owned, leased or held by the United States of America, the State of Colorado, Mesa County, the City of Grand Junction, any school district or other agency or political subdivision, which building is used for governmental purposes.
- PUBLIC HEARING.** A public meeting for which public notice has been given and an opportunity for public testimony is provided.
- PUBLIC LAND FOR DEDICATION AND OWNERSHIP.** Parks, playgrounds, schools, drainage channels, trails, highways, roads and streets or other areas of land accepted by the City Council and dedicated for the public's use or benefit.
- PUBLIC MEETING.** A meeting of a Board, Planning Commission, City Council or their representatives where the public may attend.
- PUBLIC NOTICE.** Notice to the public of a public hearing or meeting as required by state or local law. See Section 21.02.070(a)(3) and 21.02.080(g)
- PUBLIC RIGHT OF WAY.** Any street, road, highway, alley, pedestrian/bicycle way or other special purpose way or utility installation owned by, or reserved to, the public for present or future public use.
- PUBLIC TRAIL.** Any pathway designed for public recreation.



**PUBLIC USE.** A use which is owned by, and operated for, the public by a public entity.

**PUBLIC USE HELIPORT.** A heliport or helipad that has been designed for use by the public and is available for such, whether owned or operated by a governmental agency or a private entity, provided that such entity has agreed, in writing, to that use of its property.

**RECLAMATION.** Rehabilitation of plant cover, soil stability, water resources, and other measures which will allow or cause flora to permanently grow on land.

**RECORDED/RECORD.** Document filed with and indexed by the Mesa County Clerk and Recorder.

**RECREATION, ACTIVE.** Leisure-time activities, usually of a formal nature and often performed with other, requiring equipment and taking place a prescribed places, sites or fields.

**RECREATION, PASSIVE** Activities that involve relatively inactive or less energetic activities, such as walking, sitting, picnicking, card games, chess, checkers and similar table games.

**RECREATIONAL VEHICLE.** All vehicles, with or without motive power, designed, converted or used to provide temporary living quarters that include four or more of the following permanently installed facilities: cooking, refrigeration or ice box, self-contained toilet, heating and/or air conditioning, potable water supply system including faucet and sink, separate 110-125 volt electrical power supply and/or LP gas supply. Recreational vehicles shall also include the following: all watercraft subject to registration by the State of Colorado, all motorcycles, mini bikes, all-terrain vehicles (ATV's), go-carts and similar vehicles with motive power that are prohibited from operating on a public street by the State of Colorado. All other vehicles and crafts designed to carry one or more adults used primarily for recreational purposes that are prohibited from operating on a public street by the State of Colorado, all trailers designed or used to carry any recreational vehicle described herein.

For the purposes of this Code, an empty trailer or a recreational vehicle not on a trailer shall each be counted as one recreational vehicle. However, a trailer carrying one or more recreational vehicles shall together be counted as one recreational vehicle. Also includes a semi trailer loaded or unloaded, utility trailers loaded or unloaded or any other type or use of a trailer.

**RECREATIONAL VEHICLE PARK.** Any lot or parcel developed to provide spaces and facilities for the temporary residential use of two or more recreational vehicles.

**RECREATIONAL VEHICLE RESORT.** An integrated development where recreational vehicles are used for temporary residential purposes in conjunction with recreational and social centers designed to provide a significant portion of the recreational and social needs of the occupants of the resort.

**RECREATIONAL VEHICLE SPACE.** A parcel of land within an approved recreational vehicle park, shown in the records of the City of Grand Junction Community Development Department, and which was designed and intended for the accommodation of one recreational vehicle.

**RECYCLING CENTER / FACILITY.** A structure or facility in which used material is separated and processed prior to shipment to others who will use those materials to manufacture new products.

**RECYCLING COLLECTION POINT.** An incidental use that serves as a neighborhood drop-off point for temporary storage of recoverable resources. No processing of such items would be allowed. This facility would generally be located on a shopping center parking lot or in other public/quasi-public areas, such as churches and schools.

**REGULATION.** As used in this Code, means an applicable provision of this Code or any other requirement promulgated under this Code or the Code of Ordinances.

**RENTAL, HOME ORIENTED.** A business providing items for rent which are generally found or used in and around the home including, but not limited to, furniture, appliances and small equipment, but not including heavy equipment.

**RENTAL, HEAVY EQUIPMENT.** The use of any building, land area or other premises for the rental of heavy equipment, large trucks, trailers, or other similar items.

**REQUEST.** A writing seeking a planning clearance. This is the same as an application.

**REQUIRED PUBLIC FACILITIES.** Any improvement, facility, or service together with its associated site or right-of-way necessary to provide transportation, drainage, utilities, or similar essential services and facilities and that are usually owned and operated by a governmental agency.

- RESIDENCE. A home, abode, or place where an individual is actually living at a specified point in time.
- RESIDENTIAL CARE FACILITIES. A home for no more than eight developmentally disabled residents as defined by the State Department of Health.
- RESIDENTIAL GROUP HOMES. A facility which is licensed by the State to provide supervised living quarters for no more than eight persons who are developmentally disabled or recovering from a medical condition, but not including persons who have been convicted and are under a court's supervision for any violent crime.
- RESIDENTIAL RECEIVING HOMES. A residential structure housing not more than ten children up to 18 years, unrelated by blood, marriage, or adoption to head of household, who are awaiting disposition to foster homes or other accommodations.
- RESTAURANT. An establishment serving food and beverages where all service takes place within an enclosed building or accessory outdoor eating areas.
- RESUBDIVISION. The changing of an existing parcel created by a plat and recorded with the County Clerk and Recorder.
- RETAINING WALL. A manmade barrier constructed for the purpose of stabilizing soil, retarding erosion, or terracing a parcel or site.
- REVISION. A revision means the changing and/or rescinding of zoning and other land use approvals following notice and an opportunity for objection. The status of the land use approvals, including zoning and/or subdivision approvals, may be that which was applied previously to the property or may be a new and/or different zoning or other land use status.
- REVOCABLE PERMIT. A permit issued by the City Council, pursuant to Section 127 of the City Charter, allowing the construction in, or use of a public right of way and revocable after 30 days notice.
- RIDGELINE. The highest elevation of a mountain chain or line of hills; the intersection of two roof surfaces forming the highest horizontal line of the roof.
- RIGHT-OF-WAY. A strip of land acquired by reservation, dedication, forced dedication, prescription, or condemnation and intended to be occupied by a road, crosswalk, railroad, electric transmission lines, oil or gas pipeline, waterline, sanitary storm sewer, and other similar uses; generally, the right of one to pass over the property of another.
- ROADWAY. The improved portion of a street within a right of way and/or easement.
- ROOF LINE. The highest edge of the roof or the top of parapet, whichever establishes the top line of the structure when viewed in a horizontal plane.
- 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.
- SATELLITE DISH. An antenna, consisting of radiation element that transmit or receive radiation signals, that is supported by a structure with or without a reflective component to the radiating dish, usually circular in shape with a parabolic curve design constructed of a solid or open mesh surface and intended for transmitting or receiving television, radio, microwave signals or other electromagnetic waves to or from earth satellites.
- SCREENING. Shielding, concealing and effectively hiding from view of a person standing at ground level on an abutting site, or outside the area of the feature so screened by a wall, fence, hedge, berm or any combination of these methods, or any similar architectural or landscaped feature, such as a landscape perimeter strip or bufferyard. (See Landscape, Buffering and Screening Standards, Section 21.06.040.)
- SECURE FACILITIES. As defined by Colorado Revised Statutes, Section 19-1-103, as amended.
- SECURED/SECURITY. Cash, letter or credit or other readily available source of money, pursuant to Section 21.02.070(m).
- SEISMIC EFFECTS. Direct and indirect effects caused by an earthquake or manmade phenomena.
- 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.

**SERVICE LINES.** Electric, gas, communication, water, sewer, irrigation and drainage lines providing local distribution or collection service.

**SERVICE YARD AND/OR ENTRANCE.** An area and/or entrance to a structure, which is used for pickup and delivery, especially in conjunction with retail and wholesale outlets.

**SETBACK.** The minimum distance between a structure and a property line of a parcel of land or other established reference point.

**SHRUB.** A woody plant, smaller than a tree, consisting of several small stems from the ground or small branches near the ground; may be deciduous or evergreen.

**SIGHT DISTANCE TRIANGLE.** A triangular-shaped portion of land established at street intersections in which nothing is erected, placed, planted, or allowed to grow in such a manner as to limit or obstruct the sight distance of motorist entering or leaving the intersection.

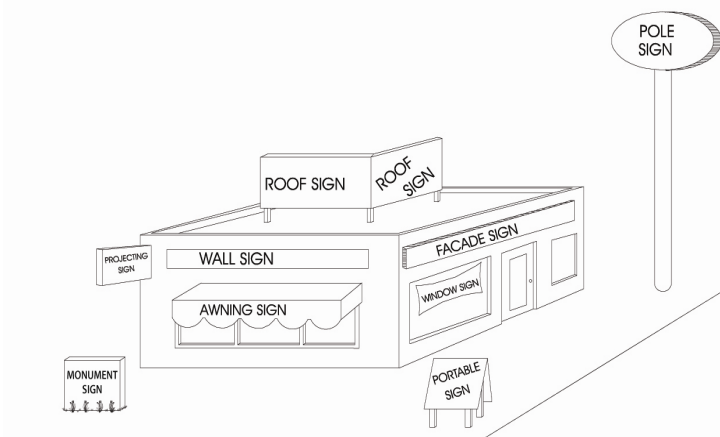
**SIGN.** Any device, fixture, placard, structure, painted surface, or part thereof that uses any color, word, written representation, graphic symbol, logo, letters, illumination, numbers, or writing to advertise, announce or identify the purpose of, a person or entity, to advertise or merchandise a product or service, or to communicate written information to the public. (See graphic.)

**SIGN, AWNING.** A sign that is mounted, painted or attached to an awning.

**SIGN, MONUMENT.** A sign other than a pole sign in which the entire bottom is in contact with, or is close to, the ground and is independent of any other structure.

**SIGN, BILLBOARD (or OFF-PREMISE).** A sign that directs attention to a commercial business, commodity, service or entertainment conducted, sold, or offered at a location other than the premises on which the sign is located, including billboards.

**SIGN, FAÇADE.** A facade sign is a sign painted on a wall of a building with or without a background. A facade sign shall not project from the building on which it is painted.



**SIGNS, FLUSH WALL.** A sign attached to, or erected against, the wall of a structure which has the sign face in a plane parallel to the plane of the wall and which does not extend more than 12 inches from the building face. (See graphic)

**SIGN, FREESTANDING.** A sign structure which is supported by one or more columns, uprights, poles or braces extended from the ground or which is erected on the ground. (See graphic) **SIGN, IDENTIFICATION.** A sign which shall refer only to the principal use of the parcel upon which the sign is located.

**SIGN, ILLEGAL.** A sign which is in violation of the requirements of this Code except for those signs qualifying as nonconforming (see Sign Regulation, Section 21.06.070).

**SIGN, INSTITUTIONAL.** A sign setting forth the name of a public, charitable, educational, or religious institution.

**SIGN, INTEGRAL.** Names of buildings, dates of erection, monumental citations, commemorative tablets and the like which are carved into stone, concrete or similar material or made of bronze, aluminum, or other permanent type construction and made an integral part of the structure.

**SIGN, PERMANENT.** A sign which is securely attached to the ground or a structure so that it cannot readily be moved.

**SIGN, PORTABLE.** A sign which is not permanently attached to the ground or a structure. A sign that is mounted or erected upon a vehicle, van, truck, automobile, bus, railroad car or other vehicle which is not registered and not in operating condition shall be considered a portable sign. (See graphic)

- SIGN, PROJECTING.** A sign attached to a structure wall and extending outward from the wall more than 12 inches. (See graphic)
- SIGN, ROOF TOP.** A sign that is mounted on the roof of a building or that is wholly dependent upon a building for support and that projects above the top walk or edge of a building with a flat roof, the eave line of a building with a gambrel, gable or hip roof, or the deck line of a building with a mansard roof. (See graphic)
- SIGN, WIND DRIVEN.** Consists of one or more banners, flags, pennants, ribbons, spinners, streamers, captive balloons or other objects or materials designed or intended to move when subjected to pressure by wind or breeze and by that movement attract attention and function as a sign (see definition of Sign).
- SIGN WITHOUT BACKING.** Any word, letter, emblem, insignia, figure or similar character or group thereof that is neither backed by, incorporated in, or otherwise made a part of any larger display.
- SIGNIFICANT LANDSCAPE FEATURE.** Any outstanding natural element; including, but not limited to vegetation, rock outcrops, and prominent landforms.
- SINGLE FAMILY RESIDENCE.** A structure containing cooking and bathing facilities that is arranged, designed, and intended to be the residence of one family. (See Family.)
- SITE PLAN.** The development plan for one or more lots on which is shown the existing and proposed conditions of the lot, including topography, vegetation, drainage, floodplains, wetlands and waterways; landscaping and open spaces, walkways, means of ingress and egress, circulation, utility services, structures and buildings, signs and lighting, berms, buffers, and screening devices, surrounding development, and any other information that reasonably may be required in order that an informed decision can be made by the approval authority.
- SSID Submittal Standards for Improvements and Development** as adopted by the City of Grand Junction.
- STAFF.** The staff of the Grand Junction Public Works and Planning Department.
- START OF CONSTRUCTION.** Includes substantial improvement and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, placement or other improvements was within 180 days of the permit date. The actual start means the first placement of a permanently constructed structure on a site, such as the pouring of slab or footings, the installation of pilings, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure.
- STEALTH, or CONCEALED.** Any tower or telecommunications facility which is designed to enhance compatibility with adjacent land, buildings, structure and uses, including, but not limited to, architecturally screened roof-mounted antennas, antennas integrated into architectural elements and towers designed to not look like a tower such as light poles, power poles and trees. The term stealth does not necessarily exclude the use of uncamouflaged lattice, guyed or monopole tower designs.
- STORAGE.** Primarily for vehicles when in transit or being worked on. Also the temporary storage of goods and equipment.
- STREET.** Any public or private roadway, but not an alley.
- STREET, PRIMARY.** The principal frontage for a building site, as defined during site plan review.
- STREET, SIDE.** The frontage that is not a primary street, as defined during site plan review.
- STREETSCAPE.** The landscaping and other man-made objects located within the public right-of-way which add variety and are placed for aesthetic purposes as well as functional, pedestrian guidance and traffic control.
- STRUCTURE.** Anything constructed or erected which requires location on or in the ground, or is attached to something having a location on the ground or anything as defined by the International Building Code. Structures do not include ditches and their appurtenances, poles, lines, cables, transmission or distribution facilities of public utilities, freestanding mailboxes, on grade slabs, walks, driveways, landscaping materials or fences, except that fences in excess of six feet shall be considered a structure. (See also Building.) **SUBCOMMUNITY.** A node.

- SUBDIVISION.** The division of land into two or more parcels, separate interests including Condominium(s) and Leasehold Interest(s), or interests in common, unless exempted of this Code. (See Section 21.02.070(q)) Unless the method of disposition is adopted for the purpose of evading any provision or purpose of this Code, the term "Subdivision" shall not apply to any division of land: 1. Which is created by order of any court in this State, but only if the City Attorney has received sufficient notice of the proposed order so that the City may object thereto, as its interests may dictate; 2. Which is created by a lien, mortgage, deed of trust, or any other security instrument which became effective prior to June 1, 1989; 3. Which is created by a security or unit of interest in any investment trust regulated under the laws of this State or any other interest in any investment entity which became effective prior to June 1, 1989; 4. Which creates cemetery lots; 5. Which creates an interest or interests in oil, gas, minerals or water which are now or hereafter severed from the surface ownership of real property; or 6. Which is created by the acquisition of an interest in land in the name of a husband and wife or other persons in joint tenancy or as tenants in common, so long as any partition so that the City may object thereto, as its interests may dictate; any such interest shall be deemed, for the purposes of this Code, as only one interest.
- SUBSTANTIAL DAMAGE.** Damage to a structure from one event not due to the knowing act of the owner such that the cost to restore the damage is 50 percent or more of the fair market value of the structure before the damage occurred.
- SUBSTANTIAL IMPROVEMENT.** Any reconstruction, rehabilitation, addition, or other improvement of a structure, which costs 50 percent of the market value of the structure before the "start of construction" of the improvement. "Substantial Improvement" includes structures which have incurred "substantial damage," regardless of the actual repair work performed. The term does not include either: 1. Any improvement of a structure to correct existing violations of any code which the local code enforcement official determines and are necessary to make the structure safe or habitable; or 2. Any alteration of a "historic structure," if the alteration shall not preclude the structure's continued designation as a "historic structure."
- SURVEYOR.** A land surveyor registered by the State of Colorado.
- SWMM.** Stormwater Management Manual as adopted by the City.
- TEDS.** Transportation and Engineering Design Standards as adopted by the City.
- TELECOMMUNICATION FACILITIES.** Cables, wires, lines, wave guides, antennas, other equipment and facilities and any other equipment or facilities associated with the transmission or reception of electromagnetic waves and/or communications which are located or as a part of a tower or antenna support structure.
- TEMPORARY, USE OR STRUCTURE.** Any use or structure placed on a parcel of land for a period of short duration, if permitted pursuant to Chapter 21.04, typically for four months or less.
- TIP OUT OR SLIDE OUT.** A recreational vehicle component which is within the main structure of the recreational vehicle while traveling and either tips or slides out when used as a living area. A tip out or slide out shall be structurally supported directly to the ground.
- TOWER.** A self-supporting latticed, guyed or monopole structure constructed from grade which supports telecommunications facility. The term tower shall not include amateur radio operators' equipment, as licensed by the FCC.
- TRAFFIC.** As calculated by the Director, according to National or other Director approved objective standards, such as the Institute of Traffic Engineers publications. If an applicant provides proof that actual traffic will be different, the Director may vary from the approved standards.
- TRANSIENT.** Housing or accommodations which are typically occupied by residents for periods of two weeks or less, including, but not limited to hotels, motels and travel lodges.
- TRANSIT OPERATOR.** The person or entity authorized to operate a transit system pursuant to either a revocable permit or a license; such person or entity may also be termed "permittee."
- TRANSMISSION LINES.** Electric lines (115 KV and over) and appurtenant facilities; or pipelines/conveyors [ten inches (10") diameter or larger] and appurtenant facilities for transporting natural resources, chemicals, petroleum derivatives, or waste substances.
- TRAVEL TRAILER.** A vehicle or portable unit mounted on its own chassis and wheels which does not exceed eight feet in width and/or 40 feet in length, is drawn by a motor vehicle, and provides temporary living quarters for recreational, camping or travel use.

- TREE. A woody perennial plant having a single, usually elongate main stem generally with few or no branches on its lower part.
- TREE, DECIDUOUS. Plants that drop their foliage annually before becoming dormant.
- TRUCK CAMPER. A portable unit consisting of a roof, floor and sides designed to be loaded onto, and unloaded from, the bed of a pickup truck, and provides temporary living quarters for recreational, camping or travel use.
- TRUCK PARKING AREA. An area for the parking of trucks, which is often left with either their motors running and/or their refrigerator unit motors operating.
- 201 PLANNING AREA. A regional plan for sewage collection and treatment to prevent pollution of the state's waters; the boundaries are defined by the official map, a copy of which is kept by the Director.
- UNDERGROUND PRESSURIZED IRRIGATION SYSTEM. A watering system for landscaped areas, consisting of underground pressurized pipes connected to sprinkler heads, bubbler heads, or drip systems such that 100 percent irrigation water coverage is provided.
- UNOCCUPIED. Dwelling where no individual resides or a public, commercial, or industrial building, where no storage or use of equipment, merchandise, or machinery is kept for a period of time.
- URBAN AREA. The definite boundary inside which the only development will occur by annexing to the City. See 1998 Persigo City/County Agreement.
- USE. The purpose for which land or a structure is designed, arranged, intended or occupied.
- UTILITIES. Any agency that provides essential or basic services and facilities such as electricity, gas, water (domestic and irrigation), sewage disposal, drainage systems, solid waste disposal, television, telecommunications, telephone, railway, etc.
- UTILITY STRUCTURES. Electric transformers, switch boxes, telephone pedestals and telephone boxes, cable television boxes, traffic control boxes, and similar devices.
- VARIANCE. A grant of relief from the requirements of this Code which permits construction in a manner that would otherwise be prohibited by this Code.
- VESTED RIGHT. A right that cannot be changed or altered by changes in regulation.
- WALL includes the following: 1. The vertical exterior surface of a building; 2. Vertical interior surfaces that divide a building's space into rooms; or 3. A vertical architectural partition used to divide, separate or enclose an outside area, a masonry fence (see definition of Fence).
- WATER WISE. Landscape methods which conserve water through the use of drought-tolerant plants, planting and irrigation techniques.
- WATERCOURSE. Any natural or artificial stream, river, creek, ditch, channel, canal, conduit, culvert, drain, waterway, gully, ravine, or wash in which water flows in a definite direction or course, either continuously or intermittently and has a definite channel, bed, and bank and includes any area adjacent thereto subject to inundation by reason of overflow or floodwater.
- WILDLIFE HABITAT RESOURCE AREA. A geographical area identified by a State or federal agency that contains elements of food, water, cover, or space, alone or in combination, which are adequate to support a rare, threatened or endangered species for at least a portion of a year.
- WORKING DAY. Business day. Those days the Public Works and Planning Department is open to the public for business; holidays, Saturdays and Sundays are not working days.
- YARD. An existing or required open space on a parcel with a principal structure. A yard shall be open, unoccupied and unobstructed from the ground to the sky, except as otherwise provided in this Code.
- YARD, FRONT. A yard extending across the full width and depth of the lot between a road right of way or access easement line and the nearest line or point of the building. (For Flag Lots, see Side Yard.) (See Section 21.03.030, Measurements)
- YARD, REAR. A yard extending across the full width and depth of the lot between the rear lot line and the nearest line or point of the building. (See Section 21.03.030, Measurements)
- YARD SETBACK. The minimum horizontal distance between any building and the property line.

**YARD, SIDE.** A yard extending from the front yard to the rear yard between the side lot line and the nearest line or point of the building. This side yard definition may apply for three sides of a flag lot if the flag pole portion of the lot exceeds the front yard setback. (See Section 21.03.030, Measurements)

**YARD, SIDE SETBACK.** The minimum horizontal distance between any building and the side property line.

**ZERO LOT LINE.** The location of a building on a lot in such a manner that one or more of the building sides rests directly on a lot line.

**ZONE / ZONING DISTRICT.** A mapped area with a particular set of rules and regulations which limits the types of uses. See Sections 21.04.010 and 21.03.020(c). "Zone" is the same as "District."



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