

ORDINANCE NO. 755

AN ORDINANCE PROVIDING FOR ZONING THE CITY OF GRAND JUNCTION, COLORADO: REGULATING AND RESTRICTING THE HEIGHT AND SIZES OF BUILDINGS AND OTHER STRUCTURES, THE PERCENTAGE OF LOT THAT MAY BE OCCUPIED, THE SIZE OF YARDS, COURTS AND OTHER OPEN SPACES, THE DENSITY OF POPULATION, AND THE LOCATION AND USES OF BUILDINGS, STRUCTURES, AND LAND FOR TRADE, INDUSTRY, RESIDENCE, AND OTHER PURPOSES, AND PROVIDING FOR THE APPOINTMENT OF A BOARD OF ADJUSTMENT.

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

Section 1. PURPOSES OF ORDINANCE. This ordinance is enacted for the purpose of promoting public health, safety, morals, order, convenience, happiness, prosperity, and the general welfare of the community, to lessen congestion in the streets, to secure safety from fire, panic, and other dangers, to provide adequate light and air, to prevent the overcrowding of land, to avoid undue concentration of population, to facilitate the adequate provision of transportation, water, sewerage, schools, parks and other public requirements.

The Zoning Map which accompanies this ordinance is hereby declared to be a part thereof. For the purposes of this ordinance the corporate area of said City of Grand Junction is hereby divided into districts, whose area, extent, location, boundary lines and designation are shown on said Zoning Map. No building or premises shall be hereafter erected, structurally altered, repaired or used in any such district except in conformity with the regulations hereinafter prescribed.

Section 2. CLASSIFICATION OF USES. For the purposes of this ordinance, all uses of buildings and premises are divided into residence, business and industrial uses, and into classes and subdivisions as hereinafter set forth, and all classes are designated and shown upon the zoning map as districts, as follows:

RESIDENCE USES:

Residence "A", "B", "C", and "D" Districts (dwellings).
Residence "E" District (apartment houses).

BUSINESS USES:

Business "AR" District (Residential Business).
Business "A" District (Retail Business).
Business "B" District (Commercial).

INDUSTRIAL USES:

Industrial "A" District (Ordinary Industry).
Industrial "B" District (Heavy and Obnoxious Industry.)

CLASSIFICATION OF PERMITTED USES IN EACH DISTRICT:

No building, structure or premises shall be hereafter used, erected, structurally altered or repaired in any district designated on the zoning map, except as hereinafter provided, and unless same be included in the following classification of uses permitted in each district:

RESIDENCE "A" DISTRICT

1. Single-family dwelling.
2. Church, school, college, library, museum, community building, public building for local service and protection.
3. Park, playground, recreation building, school or college stadium or tennis court or athletic field, golf course, polo field.
4. Railroad right-of-way, not including railway yards; passenger station.
5. Water supply, reservoir, well.
6. Private club, excepting a club the chief activity of which is a service customarily carried on as a business.
7. Non-commercial conservatory for plants and flowers.
8. Farming and truck gardening.
9. Private garage, as provided for in Section 5.

RESIDENCE "B" DISTRICT

1. A use permitted in Residence "A" District.
2. Apartment house with not to exceed six living units with kitchens.

RESIDENCE "C", "D", AND "E" DISTRICTS

1. A use permitted in Residence "A" and "B" Districts.
2. Office, studio, multiple dwelling, apartment house, dormitory, boarding house, apartment hotel and tourist court.
3. Philanthropic institution other than a penal or correctional institution, hospital or sanitarium other than for infectious or contagious diseases and other than for the insane and feebleminded.

BUSINESS "AR" DISTRICT (RESIDENTIAL BUSINESS)

1. A use permitted in the residence district in which it is located. In case of being on the border between two districts, the zoning for the portion of the block in which the business district is located will control.

2. Office building, telephone exchange, retail drug store, retail grocery store, frozen food lockers with or without freezing plant. However, this in no way allows any processing, slaughtering, or packing of foods other than the cutting, wrapping and freezing of meats already slaughtered and cleaned.

3. Advertising sign not to exceed eight square feet in area.

4. Barber shops, beauty shops.

5. Restaurants, lunch counters or soda fountains with a frontage of not to exceed thirty-five feet. Retail liquor licenses may not be issued for such restaurants in Business "AR" areas.

6. Curioshop, confectionery, delicatessen, floral shop.

BUSINESS "A" DISTRICT (RETAIL BUSINESS)

1. A use permitted in Residence "A", "B", "C", "D", and "E" Districts and Business "AR" District.

2. Bank, commercial greenhouse, ice delivery station.

3. Restaurant or lunch counter, hotel, theater, moving picture house, poolhall, dance hall.

4. Advertising sign.

5. Retail store, assembly hall, mortuary, hand laundry, bakery shop for custom work or for a service customarily performed for the residents of the locality, including the making of articles to be sold at retail on the premises to the ultimate customer, provided such use is not noxious or offensive by reason of the emission of dust, odor, smoke, gas, fumes, noise or vibration.

6. Filling station, automobile display, public garage.

BUSINESS "B" DISTRICT (COMMERCIAL)

1. A use permitted in a Residence District, Business "AR" District or Business "A" District.

2. Wholesale Business.

3. Storage house and warehouse for such material as building material, contractors' equipment, clothing, cotton, drugs, dry goods, feed, fertilizer, food, fuel, furniture, hardware, ice,

machinery, metals, oil, petroleum, paint and paint materials, pipe, rubber shop supplies, tobacco or wool.

4. Cold storage plant, ice manufacture, creamery, ice cream manufacture, bottling works, milk bottling works, central distributing station, baking plant.

5. Dyeing or dry cleaning plant, steam laundry.

6. Motor vehicle repair shop, automobile paint shop, battery repair shop, tire repair or vulcanizing shop.

7. Wagon shed for more than five wagons, veterinary hospital, blacksmith or horseshoeing shop.

8. Street car barn, street car repair shop, freight terminal, grain elevator, railroad yards, lumberyard, coal, coke or wood yard.

9. Penal or correctional institution, hospital or sanitarium for contagious or infectious diseases or for the insane or feeble minded.

10. Newspaper printing, job printing, monument works.

11. Amusement park, fairgrounds, circus grounds, crematory, cemetery.

12. Storage of live poultry or poultry killing, or dressing for sale at retail on the premises.

13. Commercial billboards.

INDUSTRIAL "A" DISTRICT (ORDINARY INDUSTRY)

1. A use permitted in a Residence District or a Business District.

2. Scrap iron or junk storage, automobile wrecking yard, scrap paper or rag storage, sorting or baling, foundry, stone quarry, rock crusher, stone cutting.

3. Brick, tile or terra cotta manufacture, sand or gravel pit.

4. Rag cleaning, carpet cleaning.

5. Brewing or distilling of beverages.

6. Disinfectant or insecticide manufacture, chemical work, asphalt manufacture or refining, coal distillation including manufacture or derivation of by-products, gas manufacture from coal or petroleum or the storage thereof.

7. Central light station or power plant.

8. Boiler making, locomotive manufacture, railway car manufacture, railroad roundhouse shop, reducing or refining aluminum, copper, tin, or zinc, steel furnace, blooming or rolling mill, power forge, structural iron or pipe works.

9. Chicken slaughter house, commercial chicken hatchery, pickle, sauerkraut or vinegar manufacture, soap manufacture, fruit packing.

10. Raw hides or skins, curing or tanning, wool scouring.

11. Grain drying or poultry feed manufacture from refuse mash or refuse grain, flour or feed mill.

12. Sewage disposal or treatment plant, garbage disposal plant, refuse dump.

13. Aviation field.

14. Stable for more than five horses, feed yard.

INDUSTRIAL "B" DISTRICT (HEAVY AND OBNOXIOUS INDUSTRY)

1. A use permitted in a Residence District, a Business District, and an Industrial "A" District.

2. Public auction yards.

3. Abattoir, meat packing, distillation of bones, stockyards, glue size or gelatin manufacture.

4. Chlorine or hydrochloric, nitric, picric or sulphuric acid manufacture, smelting of copper, tin, zinc, lead or iron ores.

5. Any industrial process emitting dust, odor, gas fumes, noise or vibration comparable in character or in aggregate amount to that of any use specified under Nos. 3 and 4 of this subdivision.

Section 3. ACCESSORY USES IN RESIDENCE DISTRICTS. A use accessory to a use permitted in a residence district shall be permitted in such district. A commercial or advertising sign shall in no case be permitted as an accessory use except that the placing of signs in connection with the sale, renting, construction or improvement of the property, and not exceeding an area of twelve square feet, shall be permitted as an accessory use. A store, trade or business shall not be permitted as an accessory use, except that the office of a physician, dentist, surgeon or other professional person, as his private residence, and except that any person carrying on a customary home occupation may do so in a dwelling or apartment used by him as a private residence if it is incidental to such residential use. In a

dwelling or apartment occupied as a private residence, one or more rooms may be rented or table board furnished. A private garage shall not be permitted as an accessory use except as provided in Section 5.

Section 4. GARAGES, MOTOR VEHICLE REPAIR SHOPS AND FILLING STATIONS. No garage for more than ten motor vehicles, motor vehicle repair shop and no gasoline or other motor fuel filling station shall be located within two hundred feet of a public or semi-public playground, the main building or buildings or grounds of a public or private school regularly attended by not less than twenty students under sixteen years of age, a public library, hospital, church, orphanage or childrens' home already existing or under construction at the time a permit is issued for the construction of such garage, shop or station. Such garage, shop or station shall be considered to include all ground used in connection with same and measurement shall be made to the nearest point of said ground in determining intervening distances in this section. The word playground as used herein shall not be construed to include a public park except such part thereof as may be actually used as a public playground.

Section 5. PRIVATE GARAGES IN RESIDENCE DISTRICTS. In a residence district a private garage may provide storage for not more than three motor vehicles except that storage for one motor vehicle for each 3,000 square feet of the area of the lot shall be permitted in a Residence "A" District, and for each 1,500 square feet of the area of the lot in a Residence "B" District and for each 1,000 square feet of the area of the lot in a Residence "C", "D", or "E" District. A private garage shall be set back at least four feet from any street or alley from which it has an entrance, and on a corner lot shall conform with an established setback line of residences on side streets. Except as an accessory use on the same lot with the building served, not more than two motor vehicles shall be stored on any lot. On a vacant lot, a private garage shall not be erected on the front half of the lot. In a private garage not more than one commercial motor vehicle may be stored and space for not more than two motor vehicles may be rented to other than occupants of the premises. No business, occupation or service connected in any way with motor vehicles shall be permitted.

Section 6. NON-CONFORMING USES. Any use of property existing at the time of the passage of this ordinance that does not conform to the regulation prescribed in the preceding sections of this ordinance shall be deemed a non-conforming use and such non-conforming use may be continued. A non-conforming use shall not be extended, but the extension of a use to any portion of a building which portion was arranged, or designed, for such non-conforming use at the time of the passage of this ordinance will be permitted. A non-conforming building may not be reconstructed or structurally altered to an extent exceeding in aggregate cost during any ten-year census period, 60 per cent of the then fair value of the building unless the use of said building is changed

to a conforming use. A non-conforming use, if changed to a conforming use, may not thereafter be changed back to any non-conforming use. (The fact that a building is temporarily unoccupied or not rented shall not be considered a discontinuance of its use.)

Section 7. HEIGHT REGULATIONS. (a) RESIDENCE DISTRICTS. In a Residence "A" District or a Residence "B" District, no dwelling shall be erected to a height in excess of thirty-five feet and no building shall be erected to a height in excess of fifty feet. In a Residence "C" or "D" District no building shall be erected to a height in excess of fifty feet. In a Residence "E" District no building shall be erected to a height in excess of eighty feet.

(b) BUSINESS DISTRICTS. In a Business "A" District, no garage building shall be erected to a height in excess of one story; no store and dwelling building shall be erected to a height in excess of two stories; and no building shall be erected to a height in excess of fifty feet. In a Business "B" District no building shall be erected to a height in excess of eighty feet.

(c) INDUSTRIAL DISTRICTS. In an Industrial "A" District or an Industrial "B" District no building other than a grain elevator or a gas holder shall be erected to a height in excess of eighty feet.

(d) EXCEPTIONS. The provisions of this section shall not apply to restrict the height of a church spire, tower, or belfry, or a flagpole, wireless tower, monument, chimney, water tank, elevator bulkhead, stage tower or scenery loft.

Nothing in these regulations shall apply to prevent the erection above the height limit of a parapet wall or cornice for ornament and without windows, extending above such height limit not more than five feet.

Any portion of a building may be erected to a height in excess of the respective height limits as herein prescribed, provided such portion of such building is set back from all street, alley and required yard lines, one foot for each three feet of such additional height if in an Industrial or Business "B" District, and one foot for each two feet of such additional height if in a Business "A" or a Residence District.

Section 8. AREA REGULATIONS.

(a) LOT AREA. For buildings hereafter erected or altered to accommodate or make provision for additional families the required lot area per family housed shall be as follows:

1. 6,000 square feet within a Residence "A" District.
2. 3,000 square feet within a Residence "B" District or a Business "A" District.

3. 1,500 square feet within a Residence "C" District.

4. 750 square feet within a Residence "D" District, a Business "B" District, and Industrial "A" District or an Industrial "B" District.

5. 375 square feet within a Residence "E" District.

Provided, that in any district a single-family dwelling may be erected on any lot in separate ownership at the time of the passage of this ordinance. A lot not less than one hundred twenty feet in depth, extending to a real alley, shall be deemed to extend to the center of such alley in computing the area for the purpose of this section. For the purpose of this section, the number of families which a building is designed to accommodate shall be determined by the number of separate housekeeping units in such building. A suite of rooms without a kitchen or facilities for cooking meals shall not be deemed a housekeeping unit for the purpose of this section.

(b) (This section repealed by Ordinance No. 572).

(c) PERCENTAGE OF LOT OCCUPANCY. 1. RESIDENCE DISTRICTS.

In a Residence District a single-family, two-family or multiple dwelling shall be limited to the percentage of lot that may be occupied.

Within a Residence "A" District, 40 per cent; within a Residence "B" District, 50 per cent; within a Residence "C" District, 50 per cent for an interior lot and 70 per cent for a corner lot; within a Residence "D" District and a Residence "E" District, 70 per cent for an interior lot and 80 per cent for a corner lot.

2. In a Business or Industrial District no building shall occupy above its ground story more than 70 per cent of the area of the lot if erected for occupancy by more than two families.

(d) SIDE YARDS IN RESIDENCE DISTRICTS. In Residence Districts there shall be a side yard on each side of a building along each lot line other than a street, alley or rear line as follows:

1. In a Residence "A" or Residence "B" District the width of each side yard for any building other than a dwelling shall be not less than one-sixth of the height of such building. For a single-family dwelling the width of each side yard shall be not less than three feet and the sum of the widths of the two side yards shall be not less than 20 per cent of the width of the lot for any lot under fifty feet in width, nor less than ten feet for any lot fifty feet or more in width. In a Residence "B" District the width of each side yard for a two-family dwelling shall be not less than five feet. For a multiple dwelling, the width of each side yard

shall be not less than three feet multiplied by the number of family units.

2. In a Residence "C" District the width of each side yard shall be not less than one-sixth of the height of the building except that for a single-family dwelling or a two-family dwelling, the width for each side yard shall be not less than three feet.

3. In a Residence "D" or Residence "E" District the width of each side yard shall be not less than one-eighth of the height of the building except that for a single-family dwelling or for a two-family dwelling the width of each side yard shall be not less than three feet.

(e) REAR YARDS AND LOADING SPACE.

1. RESIDENCE DISTRICTS. In a Residence "A" or Residence "B" District every building erected shall have a rear yard. The depth of such a rear yard shall be not less than one-half of the height of the building. Forty per cent of the rear yard may be occupied by a one-story accessory building.

In a Residence "C", Residence "D" or Residence "E" District, every building shall have a rear yard the depth of which shall be not less than one-fourth of the height of the building nor less than ten feet for any multiple dwelling. Forty per cent of the area of the rear yard may be occupied by a one-story accessory building.

2. BUSINESS AND INDUSTRIAL DISTRICTS. In a Business or Industrial District every building located on a lot which abuts to an alley shall have a rear yard along such alley the full width of said lot; provided, however, that any building located on a lot at the intersection of two alleys may have a rear yard along either or both of such alleys the total length of which rear yard shall be not less than the average width of said building and shall have a minimum length of twenty-five feet; and provided further, that a building located with its longest side extended more than fifty feet along an alley and not located at an intersection of two alleys, shall have a rear yard along such alley for a distance not less than the average width of said building and with a minimum length of twenty-five feet. Provided further, that no unloading space shall be required in any alley closer than within fifty feet of the point where such alley intersects a street. In case the ground floor of a building is divided into two or more units by permanent walls or partitions, each unit shall be considered a separate building and rear yard requirements shall be enforced for each unit the same as for separate and distinct buildings. The depth of such rear yard in any case shall be sixteen feet measured to the center line of such alley. In case a building is located on a lot which does not abut on an alley, a public or private alleyway shall be provided of not less than twelve and one-half feet in width along the entire rear of said building and connecting with both street and alley in said block. Such loading

space maintenance may be modified or waived by the Board of Adjustment on application in the case of a building with ground floor area of not to exceed 2,000 square feet, a bank, theater, assembly hall or other building of similar limited loading space requirements.

(f) SIDE AND REAR YARD EXCEPTIONS. The space in a side or rear yard shall be open and unobstructed except for the ordinary projections of window sills, belt cornices, cornices and other ornamental features to the extent of not more than four inches, except that, where within five feet of the street wall, a cornice may project not more than three feet into such yard, and except that if the building is not more than two and one-half stories in height, the cornice or eaves may project not more than eighteen inches into such yard.

An open fire escape may project not more than six feet into a side or rear yard.

A building, and any accessory building, erected on the same lot shall, for the purpose of side and rear yard requirements, be considered as a single building.

(g) FRONT YARDS IN RESIDENCE DISTRICTS.

1. In a Residence "A" or a Residence "B" District the depth of the front yard measured back from the front line of the lot shall be twenty-five feet; but need not be more than 20 per cent of the average or normal depth of the lots in the same block frontage. Provided, that if 25 per cent of a block frontage is improved with buildings, the front yard shall extend back to the alignment of such existing buildings unless such alignment is more than thirty-five feet back from the street line, in which event the owner shall have the option of building to the established alignment or at thirty-five feet back from the street line.

2. In a Residence "C" or Residence "D" District the depth of a front yard shall be fifteen feet; but need not be more than 12 per cent of the average or normal depth of the lots in the same block frontage; provided that if the block is improved to the extent that 60 per cent of the number of lots therein have been built upon, and the depth of the front yards is less than fifteen feet, the depth of the front yard herein provided for shall be at least the average of the depths of the front yards of the existing buildings in said blocks.

3. In Residence "E" District the depth of the front yard shall be ten feet; but need not be more than 8 per cent of the average or normal depth of the lots in the same block frontage; provided that if the block is improved to the extent that 60 percent in number of the lots therein have been built upon, and the depth of the front yards is less than ten feet, the depth of the front yard herein provided for shall be at least the average of the depths of the front yards of the existing buildings in such

block.

4. EXCEPTIONS.

(a.) A one-story porch may extend not to exceed ten feet beyond the front yard line herein established. Any such porch may be glass enclosed if the area of glass exceeds 50 per cent of the outside wall surface. Cornices or eaves may project not more than two feet into the front yard. A bay window occupying not to exceed 30 per cent of the width of the building may project not more than three feet into the front yard.

(b.) On corner lots the front yard line shall be measured from the street on which all the lots of the block face. Where a reverse front house is built, the side yard facing the normal street front shall be equal to the front yard requirements under this section. The front yard on the normal side street shall be one-half of the normal front yard requirements under this section.

5. OBSTRUCTION TO VIEW. On any corner lot on which a front yard line is established by this ordinance, no wall, fence or other structure shall be erected, and no hedge, shrub, tree or other growth shall be maintained in such location between such front yard line and the street line as to cause danger to traffic by obstructing the view.

(h) FRONT YARDS IN BUSINESS DISTRICTS.

1. In a Business "A" District where the district is entirely surrounded by residence districts and the greatest dimension of the area included in such district does not exceed 1,320 feet, there shall be a front yard. The depth of the front yard measured back from the front line shall be ten feet, provided that if 20 per cent of the frontage on one side of a block is improved with buildings erected at or within two feet of the street line, no front yard shall be required for buildings erected along such block.

2. In none of the cases provided for in this section where the proposed building is to be on a corner lot at the intersection of two streets a set-back on more than one street shall be required.

Section 9. PROPERTY LINES. Before any permit shall be issued by the Building Inspector, as provided under paragraph (b) of Section 10, evidence of permanently established property lines or a certified survey by a licensed surveyor or a registered engineer shall be presented to the Building Inspector.

Section 10. ADMINISTRATION.

(a) ENFORCEMENT. This ordinance shall be enforced by the Building Inspector subject to rules adopted by the Board of Adjustment. No oversight or dereliction on the part of the

Building Inspector or his authorized assistants or on the part of any official or employee of the City of Grand Junction shall legalize, authorize or excuse the violation of any of the provisions of this ordinance.

(b) PERMIT REQUIRED. The construction, alteration or repair, removal or occupancy of any structure or of any part thereof, as provided or as restricted in this ordinance, shall not be hereafter commenced or proceeded with, except after the issuance of a written permit for same by the Building Inspector. The Building Inspector shall issue permits only upon application in such form as may be prescribed by the Board of Adjustment accompanied by such maps, drawings and data as may be necessary or as may be prescribed by said Board. If, upon examination of said application, maps, drawings and data, it shall appear to the Building Inspector that said construction, alteration or repair, removal or occupancy is in conformity with the provisions of this and other ordinances of said city, said permit shall thereupon be issued; otherwise, said permit shall be denied.

(c) BOARD OF ADJUSTMENT. A Board of Adjustment is hereby established. The word "Board" when used in this section shall be construed to mean the Board of Adjustment. The Board shall consist of five members appointed by the City Council for a term of three years each. Any vacancies in said Board caused by death, resignation or refusal to act shall be filled by the City Council.

1. MEETINGS. Meetings of the Board shall be held at least once every six months or at the call of the Chairman or any two members of the Board, and at such other times as the Board may determine. The Board shall adopt its own rules of procedure and keep a record of its proceedings showing the action of the Board and the vote of each member upon each question considered. The presence of four members shall be necessary to constitute a quorum.

2. SALARIES. Each member of the Board shall be paid Ten Dollars per meeting for each meeting, either regular or special, actually attended. Such compensation shall be limited for each member to the sum of One Hundred Twenty Dollars for each year, and the salary shall begin as of the date of October 1, 1947.

3. APPEAL. Appeals from any ruling of the Building Inspector to the Board of Adjustment may be taken by any person aggrieved or by the City of Grand Junction or any officer, department, board or bureau of said City, within such time as shall be prescribed by the Board by general rule. The appellant shall file with the Building Inspector and with the Board of Adjustment a notice of appeal, specifying the grounds thereof. The Building Inspector shall forthwith transmit to the Board all papers constituting the record upon which the section appealed from was taken.

An appeal stays all proceedings in furtherance of the action appealed from, unless the officer from whom the appeal is taken

certifies to the Board of Adjustment after the notice of appeal shall have been filed with him that by reason of facts stated in the certificate a stay would, in his opinion, cause imminent peril to life or property, in which case proceedings shall not be stayed otherwise than by a restraining order which may be granted by the Board of Adjustment or by a court of record on application, on notice to the officer from whom the appeal is taken and on due cause shown.

The Board of Adjustment shall fix a reasonable time for the hearing of the appeal and give due notice thereof to the parties, and decide the same within a reasonable time. Upon the hearing, any party may appear in person or by agent or by attorney. The Board of Adjustment may reverse or affirm wholly or partly, or may modify the order, requirement, decision or determination appealed from and shall make such order, requirement, decision or determination as in its opinion ought to be made in the premises, and to that end shall have all the powers of the officer from whom the appeal is taken.

4. JURISDICTION. In specific cases the Board of Adjustment may authorize by permit a variation of the application of the use, height and area district regulations herein established in harmony with their general purpose and intent as follows:

(a.) Permit a temporary building for commerce or industry in a Residence District which is incidental to the residential development, such permit to be issued for not more than a period of one year.

(b.) Permit the reconstruction, within twelve months, of a building located in a district restricted against its use, which has been destroyed by fire or other calamity to the extent of not more than 60 per cent of its value; provided that when such reconstruction becomes involved in litigation, the time required for such litigation shall not be counted as a part of the twelve months allowed for reconstruction.

(c.) Permit the extension of a use, height and area district for a distance of not more than twenty-five feet, where the boundary line of a district divides a lot in a single ownership at the time of the passage of this ordinance.

(d.) Interpret the provisions of this ordinance in such a way as to carry out the intent and purpose of the plan, as shown upon the District Map, fixing the several districts accompanying and made a part of this ordinance where the street layout actually on the ground varies from the street layout as shown on the District Map aforesaid.

(e.) Where there are practical difficulties or unnecessary hardships in the way of carrying out the strict letter of this ordinance, the Board of Adjustment shall have power in passing upon appeals to vary and modify the application of any of the

regulations or provisions of this ordinance relating to the use, construction or alteration of buildings or structures or the use of land so that the spirit of the ordinance shall be observed, public safety and welfare secured and substantial justice done.

(f.) To exempt from the operation of this ordinance any building or structure for which satisfactory proof shall be presented to the Board of Adjustment that the present or proposed situation of such building or structure is reasonably necessary for the convenience or welfare of the public.

(d) BOUNDARIES OF DISTRICTS. The boundaries between districts on the zone maps are, unless otherwise indicated, the center lines of streets or alleys. Where the district boundaries are not shown to be the center lines of streets or alleys, and where property has been divided into blocks and lots, the district boundaries shall be construed to be lot lines, and if the exact location of such lot lines are not clear they shall be determined by the Board of Adjustment, due consideration being given to the location as indicated by the scale on the map. In undivided property, the district boundary lines on the zone maps shall be determined by the scale on the map.

(e) COMPLETION OF EXISTING BUILDINGS. Nothing herein contained shall require any change in the plans, construction or designated use of a building for which a building permit has been heretofore issued and the construction of which shall have been actually begun within ninety days of the date of such permit, and the ground-story framework on which, including the second tier beams, shall have been completed within one year of the date of such permit, and which entire building shall be completed according to plans as filed within two years from the date of the adoption of this ordinance.

If any area is hereafter transferred to another district by a change in the district boundaries by amendment, the provisions of this ordinance with regard to buildings or premises existing or building permits issued at the time of the adoption of this ordinance shall apply to buildings on premises existing on building permits issued in such transferred area at the time of the passage of such amendment.

(f) VIOLATION AND PENALTIES. Any person, firm or corporation who violates, disobeys, omits, neglects or refuses to comply with or resists the enforcement of any of the provisions of this ordinance shall be fined not less than ten dollars, nor more than one hundred dollars, for each offense, and shall be imprisoned in the city jail until such fine and costs are paid. Each day that a violation is permitted to exist shall constitute a separate offense. Any building or structure erected, altered, repaired, raised or converted, or land or premises used in violation of any provision of this ordinance or the requirements thereof, is hereby declared to be common nuisance and such common nuisance may be abated, prevented, restrained or punished by an appropriate action

in any court of competent jurisdiction.

Section 11. DEFINITIONS. (a) For the purpose of this ordinance, certain words and terms are hereby defined as follows: Words used in the present tense include the future; words in the singular number include the plural; and words in the plural include the singular.

1. ACCESSORY BUILDING. A subordinate building or portion of main building the use of which is incidental to that of the main building.

2. ADVERTISING SIGN. A sign which presents the owner's own name or product, but not the name of another person or firm or products of another person or firm.

3. ALLEY. A minor public thoroughfare other than a street or public court.

4. APARTMENT HOTEL. A building occupied as the more or less temporary abiding place of the individuals who are lodgers, with or without meals, for compensation.

5. APARTMENT HOUSE. A building or portion thereof used or designed as a residence for two or more families or households living independently of each other.

6. BOARDING HOUSE. A building, other than a hotel, where lodging and meals for five or more persons are served for compensation.

7. BUILDING. Any structure other than a fence.

8. BUILDING, HEIGHT OF. The perpendicular distance at the center of a building's principal front measured from the established grade to the highest point in the coping of a flat roof; to the deck line of a mansard roof, or to the center height between eaves and ridge for gable, hip or gambrel roofs. For buildings set back from the street line, the height of the building may be measured from the average elevation of the finished grade along the front of the building, providing its distance from the street line is not less than the height of such grade above the established grade.

9. BUILDING INSPECTOR. The City Engineer or such other officer, employee or person as may be designated or appointed such inspector by the City Manager of the City of Grand Junction, Colorado.

10. DWELLING, SINGLE-FAMILY. A detached building designed for or occupied exclusively by one family.

11. DWELLING, MULTIPLE. A semi-detached row of houses with various entrances from the street, designed for or occupied by

more than one family.

12. FROZEN FOOD LOCKER. A locker plant containing the usual small frozen food boxes for individual use by paying patrons.

13. GARAGE. A building or portion thereof used for the housing or care of self-propelled vehicles.

14. PRIVATE GARAGE. A garage with capacity for not more than three self-propelled vehicles, for storage only.

15. PUBLIC GARAGE. A garage other than a private garage used for housing or care of more than three self-propelled vehicles.

16. HOTEL. A building occupied as the more or less temporary abiding place of individuals who are lodged, with or without meals, for compensation, and in which there are more than fifteen sleeping rooms above the first story, usually occupied singly, and no provision made for cooking in any individual apartment.

17. LOT. Land occupied or to be occupied by a building and its accessory buildings, together with such open spaces as are required under this ordinance, and having its principal frontage on a street or officially approved place.

18. CORNER LOT. A lot situated at the junction of two or more streets and having a width not greater than seventy-five feet.

19. INTERIOR LOT. A lot other than a corner lot.

20. THROUGH LOT. An interior lot having frontage on two streets which are parallel or nearly so.

21. LOT LINES. The lines bounding lot as defined herein.

22. NON-CONFORMING USE. A building or land occupied by a use that does not conform with the regulations of the district in which it is situated.

23. ROOMING HOUSE. A building other than a hotel where rooms for five or more persons are provided for compensation.

24. SETBACK. The minimum horizontal distance between the street line and front line of the building or any projection thereof excluding steps and unenclosed porches.

25. STABLE, PRIVATE. A stable with a capacity for not more than three horses and wagons.

26. STABLE, PUBLIC. A stable with a capacity for more than three horses and wagons.

27. STORY. The portion of a building included between the surface of a floor and the surface of the floor next above it; or,

if there be no floor above it, then the space between such floor and the ceiling next above it.

28. STREET. A public thoroughfare more than thirty feet wide.

29. STRUCTURE. Anything constructed or erected, the use of which requires more or less permanent location on the soil, or attached to something having a permanent location on the soil.

30. STRUCTURAL ALTERATIONS. Any change in the supporting members of a building such as bearing walls, columns, beams, or girders.

31. STUDIO. Photographic, painting or modeling studio.

32. YARD. An open space on the same lot with a building unoccupied and unobstructed from the ground upward except as otherwise provided herein.

33. REAR YARD. A yard, unoccupied except by an accessory building as herein permitted, extending across the full width of the lot between the rear line of the building and the rear line of the lot.

34. SIDE YARD. A yard between the building and the side line of the lot extending from the street line to the rear of the lot.

Section 12. CHANGES AND AMENDMENTS. The City Council may from time to time, on its own motion or on petition, after public notice and hearings as provided by law, and after report by the Board of Adjustment, amend, supplement or change the boundaries or regulations herein subsequently established. Whenever the owners of 50 per cent or more of the frontage in any district or part thereof present a petition duly signed and acknowledged to the Council requesting an amendment, supplement or change in the regulations prescribed for such district or part thereof, it shall be the duty of the Council to vote upon such petition within ninety days after the filing by the petitioners with the Clerk of the City Council. In case the proposed amendment, supplement or change be disapproved by the Board of Adjustment, or a protest be presented duly signed and acknowledged by the owners of 20 per cent or more, either of the area of the lots included in such proposed change, or those immediately adjacent in the rear thereof extending one hundred feet therefrom, or of those directly opposite thereto extending one hundred feet from the street frontage of such opposite lots, such amendment, supplement or change, shall not be passed except by an affirmative vote of at least three-fourths of the members of the City Council.

Section 13. VALIDITY. Should any section, clause or provision of this ordinance be declared by the court to be invalid, the same shall not affect the validity of the ordinance as a whole or any part thereof, other than the part declared to be invalid.

Section 14. ENFORCEMENT. It shall be the duty of the Building Inspector to see that this ordinance is enforced. Appeal from the decision of the Building Inspector may be made to the Board of Adjustment as provided.

Section 15. All ordinance and parts of ordinances in conflict with this ordinance are hereby repealed.

Passed and adopted this first day of October, A. D. 1947.

/s/Porter Carson
President of the City Council

Attest:

/s/Helen C. Tomlinson
City Clerk

I HEREBY CERTIFY that the foregoing ordinance, being Ordinance No. 755, was introduced, read and ordered published by the City Council of the City of Grand Junction, Colorado, at a regular meeting of said body held on the 3rd day of September, A. D. 1947, and that the same was published in The Daily Sentinel, a newspaper published and in general circulation in said city at least ten days before its final passage.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of said city this 1st day of October, A. D. 1947.

/s/Helen C. Tomlinson
City Clerk

1st Published Sept. 18, 1947
Last Published Oct. 3, 1947