

CITY OF GRAND JUNCTION, COLORADO

ORDINANCE NO. 4815

AN ORDINANCE AMENDING THE ZONING AND DEVELOPMENT CODE (TITLE 21 OF THE GRAND JUNCTION MUNICIPAL CODE) REGARDING THE DECISION-MAKING AUTHORITY OF BOARDS, COMMISSIONS AND THE DIRECTOR

Recitals:

The City Council desires to maintain effective zoning and development regulations that implement the vision and goals of the Comprehensive Plan while being flexible and responsive to the community's desires and market conditions and has directed that the Code be reviewed and amended as necessary.

After public notice and public hearing as required by the Grand Junction Zoning and Development Code, the Grand Junction Planning Commission recommended approval of the proposed Zoning and Development Code amendments.

After public notice and public hearing, the Grand Junction City Council finds that the proposed Zoning and Development Code amendments are necessary to maintain effective regulations to implement the Comprehensive Plan.

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

The Zoning and Development Code is amended as follows:

21.01.130 Decision-making authority.

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

(1) Appoint members to the Planning Commission, the Zoning Board of Appeals, and the Historic Preservation Board.

(2) As it deems appropriate, decide, adopt and/or amend a:

- (i) comprehensive plan
- (ii) area, corridor, neighborhood, circulation, street or annexation plan
- (iii) vacation of right-of-way and of lesser interest in land such as an easement
- (iv) designation of a local historic site, structure and/or district, and revocation of such designation
- (v) fee to pay for, at least in part, the impacts of development

- (3) Hear and decide requests for:
- (i) annexation and change to the City's limits
 - (ii) zoning and/or change to zone or a zoning map, including a planned development zone
 - (iii) special permit
 - (iv) planned development outline development plan or change thereto
 - (v) preliminary plan for a planned development without a valid outline development plan
 - (vi) revocable permit for use or occupancy of a City right-of-way or public place (except that the City Council may delegate such authority to the Director for minor or temporary uses or occupancies such as landscaping or irrigation facilities)
 - (vii) vested right as provided in this code for a site-specific development plan
 - (viii) appeal of Planning Commission and Director decisions as provided in this Code
 - (ix) street name change
 - (x) fee in lieu of land dedication waiver
 - (xi) sewer variance
 - (xii) appeal of decisions of Historic Preservation Board

(b) Planning Commission.

(1) **Composition.** The Planning Commission shall consist of seven regular members and two alternate members. Alternate members shall attend Planning Commission meetings, and shall serve and vote as may be required during the temporary unavailability of any regular member. The City Council shall, at the time of appointment, designate a first alternate and a second alternate; each shall fill in during the temporary absence of a regular member according to the priority.

(2) **Member qualifications.** Regular and alternate 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, or be a contractor with the city. The members shall be selected from the fields of engineering, planning, architecture, construction trades, and/or law, and from citizens at large.

(3) **Term.** Members shall serve terms of four years. Members are limited to two consecutive terms.

(4) **Vacancies.** When there is a vacancy among the regular members of the Commission, the first alternate shall be appointed to fill it, the second alternate shall become the first alternate, and a new second alternate shall be appointed. All vacancies shall be filled by appointment by the City Council. If a 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.

(5) **Removal.** Members may be removed after public hearing by the City Council on grounds of 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.

(6) **Meetings.** Planning Commission meetings shall be regularly scheduled not fewer than one time per 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 City Council. Special meetings may be held as provided by rules of procedure adopted by the Commission and/or this code or law.

(7) **Voting.** The presence of four voting members shall constitute a quorum. All recommendations to the City Council and all final decisions of the Planning Commission shall require an affirmative vote of no fewer than four members (a majority of the seven members of the Commission, which may be comprised of regular, or regular plus alternate, members).

(8) **Compensation.** Members shall be compensated at a rate established by the City Council by resolution.

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

- (i) Provide a recommendation to the City Council on adoption of or amendment to any of the following:
 - (A) comprehensive plan
 - (B) area, corridor, neighborhood, circulation or traffic plan
 - (C) code provision
 - (D) zoning
 - (E) review fee
 - (F) impact fee

- (ii) Hear and make a recommendation to the City Council upon any request for a:
 - (A) vacation of public right-of-way or easement
 - (B) zoning or change to a zone or zoning map, including planned development zoning
 - (C) special permit
 - (D) planned development outline development plan or major amendment thereto
 - (E) vested right as provided in this code for a site-specific development plan
 - (F) sewer variance.
- (iii) Decide:
 - (A) an appeal from an administrative decision as provided in this code
 - (B) plat vacation
 - (C) conditional use permit
 - (D) variance as provided by this code
 - (E) Other tasks as assigned by the City Council.

(c) Zoning Board of Appeals.

(1) **Composition.** The Zoning Board of Appeals shall consist of three members who shall represent the interests of the City as a whole. Members shall be appointed by the City Council.

(2) **Member qualifications.** Each member shall be a resident of the City, and shall be drawn from the fields of engineering, law, surveying, development, planning, architecture, construction, and from citizens at large.

(3) **Term.** Members shall serve terms of four years and shall be limited to two consecutive terms.

(4) **Vacancies.** All vacancies shall be filled by appointment by the City Council. If a member ceases to reside in the City, that seat shall be deemed vacant.

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

(6) **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.

(7) **Voting.** The presence of two members shall constitute a quorum of the Board. 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.

(8) **Compensation.** Members shall be compensated at a rate established by the City Council by resolution.

(9) **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 §31-23-307 C.R.S. The Board shall have the power and duty to decide:

- (i) appeals as provided in this code
- (ii) requests to vary from the bulk, performance, accessory use, use-specific or sign standards or regulations of this code
- (iii) requests for relief from the nonconforming provisions established in Title 21, Chapter 8 of this code;
- (iv) other variances as provided in this code, including those not assigned to a review body.

(d) Building Code Board of Appeals. For appeals relating to building codes, see the International Building Code (IBC) in effect at the time of the appeal.

(e) Director. For purposes of administration of this code, the Director shall be designated by and shall serve at the direction of the City Manager. The Director shall serve as staff to the Planning Commission, the Zoning Board of Appeals and the Historic Preservation Board, and shall have such other duties and responsibilities as specifically prescribed in this code.

(1) **Powers and duties.** The Director shall render the decision on every request for a:

- (i) planning clearance
- (ii) home occupation permit
- (iii) temporary use permit
- (iv) change of use permit
- (v) site plan review (major or minor)
- (vi) fence permit
- (vii) sign permit and sign package

- (viii) boundary adjustment
 - (ix) floodplain development permit
 - (x) subdivision plat
 - (xi) major subdivision construction plan
 - (xii) major subdivision preliminary plan
 - (xiii) minor exception subdivision
 - (xiv) planned development final plan and minor amendment thereto
 - (xv) minor deviation from any zoning district bulk standard
 - (xvi) development improvement agreement
 - (xvii) administrative adjustment as authorized by this code
 - (xviii) revocable permit for landscaping and irrigation in the public right-of-way and other such use of the right-of-way as delegated by the City Council
 - (xix) TEDS exception as authorized in Title 29 GJMC
 - (xx) administrative change to the Comprehensive Plan
- (f) Historic Preservation Board.

(1) **Composition.** The Historic Board shall consist of not fewer than five nor more than seven members appointed by the City Council. The City Council shall determine the number of members when it makes an appointment. Members shall be appointed to provide a balanced, community-wide representation.

(2) **Member qualifications.** When there are more than five members, at least four shall be professionals or have expertise in a preservation-related discipline such as history, architecture, planning or archaeology; when there are five members, at least three shall have such qualifications. One member shall be a member of the Downtown Development Authority (DDA) board or an employee of the DDA.

(3) **Term.** Members shall serve four-year terms. City Council shall stagger the terms from the date of appointment. A member may continue to serve until his or her successor has been appointed.

(4) **Vacancies.** Vacancies shall be filled by appointment by the City Council.

(5) **Removal.** Members may be removed by the City Council without cause.

(6) **Meetings.** The Historic Board shall establish a regular meeting schedule. Minutes shall be kept of all proceedings. The Board shall conduct its business in accordance with the Open Meetings and Public Records Acts and other laws applicable to public bodies.

(7) **Voting.** A quorum shall require three members if the Historic Board consists of five members; four if it consists of more than five members. A quorum shall be required for the Board to conduct any business, and an affirmative vote of the majority of those present shall be required to pass any motion.

(8) **Compensation.** Members serve without compensation, except that the City Council may authorize, in advance, payment of such amounts it determines appropriate to offset expenses incurred in the performance of board duties.

(9) **Powers and duties.** The Historic Board shall, after public notice and solicitation of public comment:

(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;

(viii) Actively pursue financial assistance for preservation-related programs;

(ix) Review and decide applications for a Certificate of Appropriateness for alteration to a site and/or structure in the North Seventh Street Historic Residential District;

(x) Review and decide applications for changes to other historic sites and structures as specifically prescribed by this code for a duly designated historic site, district or area.

(g) Summary of authority. The following table summarizes the review and approval authority provided in this code. If there is a discrepancy between this table and the text where the authority is specifically prescribed, the text shall control.

Sec.	Procedure	Planning HPB City				
		Director	Commission	ZBOA	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			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	
21.02.130(d)	Administrative changes to Comprehensive Plan	D			A	
21.02.130(e)	Comprehensive Plan amendment, Plan Amendments	R	R		D	

Sec.	Procedure	Planning HPB City				
		Director	Commission		Council	ZBOA
R = Review D = Decision A = Appeal						
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			A	
21.02.180	Revocable permit, <u>other</u>	R			D	
21.02.190	Institutional and civic facility master plans	R	R		D	
21.02.200	Variance	R				D
21.04.030(p)(1)	Fraternity or sorority	D				A
21.04.030(p)(2)	Group living facility (*except where a conditional use permit is required, see "Conditional use permit")	D*				A*
21.04.030(p)(2)(vii)(C)(II)	Group living facility – sex offenders		D			
21.070.040(d)	Designation of Historic Structures, Sites and Districts and Revocation of Designation	R		R	D	
21.07.040(g)(2)	Certificate of Appropriateness, N. Seventh Street Historic District	R		D		

**Chapter 21.02
ADMINISTRATION AND PROCEDURES**

Sections:

- 21.02.010 [Reserved]
- 21.02.020 [Reserved]
- 21.02.030 [Reserved]
- 21.02.040 [Reserved]
- 21.02.050 [Reserved]

- 21.02.060 [Reserved]
- 21.02.070 Administrative development permits.
- 21.02.080 Permits requiring a public hearing.
- 21.02.090 Vacation of plat.
- 21.02.100 Vacation of public right-of-way or easement.
- 21.02.110 Conditional use permit (CUP).
- 21.02.120 Special permit.
- 21.02.130 Comprehensive Plan amendment (CPA).
- 21.02.140 Code amendment and rezoning.
- 21.02.150 Planned development (PD).
- 21.02.160 Annexation.
- 21.02.170 Vested property rights.
- 21.02.180 Revocable permit.
- 21.02.190 Institutional and civic facility master plans.
- 21.02.200 Variance.
- 21.02.210 Rehearing and appeal.

21.02.010 [Reserved]

21.02.020 [Reserved]

21.02.030 [Reserved]

21.02.040 [Reserved]

21.02.050 [Reserved]

21.02.060 [Reserved]

A new subsection of Section 21.07.010 shall be added, as follows:

(e) **Data, information and interpretation.** The Director 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 required floodproofing certifications;
- (iii) Proof that an applicant has, prior to altering or relocating any watercourse or part thereof, notified adjacent communities and the Colorado Water Conservation Board of such alteration and demonstrated that there is adequate maintenance within the altered or relocated portion of the watercourse so that the flood-carrying capacity is not diminished. The

Director shall also submit evidence of such notification to the Federal Emergency Management Agency.

The Director shall interpret the Flood Insurance Rate Maps (FIRM) to decide location of the boundaries of the areas of special flood hazard.

SECTION 21.07.040(b):

(b) **Board Established.** The City Council hereby creates a Historic Preservation Board, which may be referred to as the Historic Board or Preservation Board. The Historic Board shall have principal responsibility for matters of historic preservation, and shall have such membership, authority, duties, and responsibilities as further provided in Title 21, Chapter 1 of this Code.

The remaining parts of Section 21.07.040 shall remain in full force and effect.

Introduced on first reading this 15th day of August, 2018 and ordered published in pamphlet form.

Adopted on second reading this 5th day of September, 2018 and ordered published in pamphlet form.

ATTEST:

W Winkelmönn

City Clerk

Timothy Buller


Mayor Pro Tem



I HEREBY CERTIFY THAT the foregoing Ordinance, being Ordinance No. 4815 was introduced by the City Council of the City of Grand Junction, Colorado at a regular meeting of said body held on the 15th day of August, 2018 and that the same was published in The Daily Sentinel, a newspaper published and in general circulation in said City, in pamphlet form, at least ten days before its final passage.

I FURTHER CERTIFY THAT a Public Hearing was held on the 5th day of September, 2018, at which Ordinance No. 4815 was read, considered, adopted and ordered published in pamphlet form by the Grand Junction City Council.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of said City this 4 day of October, 2018.



City Clerk

Published: August 17, 2018
Published: September 07, 2018
Effective: October 7, 2018