

ORDINANCE NO. 1126

AN ORDINANCE ESTABLISHING LAND USE ZONING IN THE CITY OF GRAND JUNCTION, COLORADO, FOR THE PURPOSE OF PROMOTING THE PUBLIC HEALTH, SAFETY, AND GENERAL WELFARE OF THE COMMUNITY, REGULATING AND RESTRICTING THE USE OF LAND, THE USE AND LOCATIONS OF BUILDINGS, SIGNS, FENCES, AND STRUCTURES; THE SIZE, HEIGHT, AND BULK OF BUILDINGS, SIGNS, FENCES, AND STRUCTURES; GOVERNING THE AREA OF YARDS, COURTS AND PLACES SURROUNDING BUILDINGS AND STRUCTURES; CONTROLLING THE DENSITY OF POPULATION; DIVIDING THE ZONED AREA INTO DISTRICTS FOR ZONING PURPOSES; ADOPTING A MAP OF SAID AREA AND ZONING DISTRICTS THEREIN, SHOWING BOUNDARIES AND THE CLASSIFICATION OF SUCH DISTRICTS; CREATING AND ESTABLISHING FIRE ZONES; REORGANIZING THE PLANNING AND ZONING COMMISSION AND ESTABLISHING A BOARD OF ADJUSTMENT AND APPEALS; PROVIDING FOR THE ADMINISTRATION, ENFORCEMENT AND AMENDMENT OF SAID ZONING PROVISIONS; DEFINING CERTAIN TERMS USED HEREIN; PRESCRIBING PENALTIES FOR THE VIOLATION OF ITS PROVISIONS; AND REPEALING ALL ORDINANCES IN CONFLICT HEREWITH.

IN ACCORDANCE WITH PROVISIONS OF CHAPTER 139, ARTICLE 60, 1953 COLORADO REVISED STATUTES, THE CHARTER OF THE CITY OF GRAND JUNCTION, COLORADO, AND THE ORDINANCES THEREOF, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GRAND JUNCTION AS FOLLOWS:

Section 1. GENERAL PURPOSE

a. Purpose: This Ordinance is to encourage the most appropriate use of land throughout the City and to insure a logical growth of the various physical elements of the City; to designate, regulate and restrict the location and use of buildings, signs, fences, structures and land for residence, commerce, trade, industry or other purposes; to regulate and limit the height, number of stories, and size of buildings, signs, fences, and other structures hereafter erected or altered; to establish standards for off-street parking; to establish fire zones; to regulate and determine the size of yards and other open spaces and to regulate and limit the density of population; and for said purposes to divide the City into zones of such number, shape, and area as may be deemed best suited to carry out these regulations and provide for their administration, enforcement, and amendment and for judicial review.

Such regulations are deemed necessary in order to conserve and stabilize the value of property; to provide adequate open spaces for light and air, and to secure safety from fire, panic and other dangers; to prevent undue concentration of population; to lessen congestion on streets; to facilitate adequate provisions for community utilities and facilities such as transportation, water, sewerage, schools, parks and other public requirements; and to

promote health, safety, and the general welfare, all in accordance with a comprehensive plan.

b. Short Title: This ordinance shall be known and may be cited and pleaded as the "Zoning Ordinance of the City of Grand Junction" and shall become Chapter 83 of the 1953 Compiled Ordinances of the City of Grand Junction.

c. Zoning Map: The boundaries of zone districts and their application throughout the City as established hereby shall be shown on a map entitled, "Zoning District Map of the City of Grand Junction". This map and all notations, references and data shown thereon are by reference hereby made a part of this ordinance.

d. Boundaries: Unless otherwise provided zone district boundaries shall be on municipal corporate lines, section lines, lot lines, natural boundary lines or on the center lines of highways, streets, alleys, railroad right of ways, or such lines extended. In cases where such lines are not used, the zone district lines shall be as determined by using the scale of the official Zoning District Map.

Where a lot in an approved subdivision is divided by a zoning district boundary line at the time of enactment of this ordinance or by subsequent amendments thereto, the less restrictive zone requirements may be extended within the lot into the more restrictive zoning district for a distance of not more than 50 feet or to a point within 10 feet of the line of the lot in the more restrictive district, whichever is less.

Disputes concerning the exact location of any zone district boundary line shall be decided by the Board according to the intent of this ordinance.

e. Zoning of Annexed Areas: Any area annexed to the City after the effective date of this ordinance shall, immediately upon such annexation, be automatically classified as an R-1-A zone until zone districts compatible with comprehensive zoning of the community for said area have been adopted pursuant to the provisions of this ordinance.

f. Application of Regulations: Except as hereinafter otherwise provided:

(1) No building or structure shall be used or erected and no existing building or structure shall be moved, altered, added to or enlarged, nor shall any land, building or premises be used, designated or intended to be used for any manner other than is included among the uses hereinafter listed as permitted in the district in which such building, land or premises is located.

(2) No building or structure shall be erected, nor shall any existing building or structure be altered, enlarged or rebuilt, nor shall any open space surrounding any building be encroached upon or reduced in any manner, except in conformity to the year, building site area and building location and height regulations hereinafter designated for the district in which such building or open space is located.

(3) No yard frontage, or other open space provided about any building for the purpose of complying with provisions of this ordinance shall be considered as providing a parking, yard or other open space for any other building, and no yard or other open space on one lot shall be considered as providing a yard, parking or open space for a building on any other lot.

Section 2. ADMINISTRATION

a. Enforcing Official: The provisions of this ordinance shall be administered and enforced by the Building Inspector of the City of Grand Junction, his authorized representative and/or such other authority as appointed by the City Manager.

b. Right to Trespass: The Building Inspector or any duly authorized person shall have the right to enter upon any premises at any reasonable time for the purpose of making inspections of buildings or premises necessary to carry out his duties in the enforcement of this ordinance.

c. Stop Orders: Whenever any building work is being done contrary to the provisions of this ordinance, the Building Inspector may order the work stopped by notice in writing served on any person engaged in doing or causing such work to be done, and any such person shall forthwith stop such work until authorized by the Building Inspector to proceed with the work.

d. Building Permit Required: It shall be unlawful to commence the excavation for or the construction of any building or other structure, including accessory structures or to store building material or construct entrances or parking lots, commence the moving, structural alterations, conversions, extensions, enlargements, alteration or repairs except usual repairs not requiring permits under this or any other City ordinance of any structure, including accessory structures, fences or walls until the Building Inspector of the City has issued a building permit for such work.

e. Application for Permit: Application for a building permit shall be made to the Building Inspector of the City on forms provided for that purpose.

f. Requirements for Permits: The Building Inspector of the City shall require that every application for a building permit be accompanied by two (2) copies of a plan or plat drawn to scale and showing the following in sufficient detail to enable the Building Inspector to ascertain whether the proposed excavation, construction, reconstruction or conversion, moving or alteration is in conformance with this ordinance.

(1) Lot Dimensions and Corners . . . The actual shape, proportion and dimensions of the lot to be built upon and satisfactory evidence that actual corners of the lot are known and are established on the ground.

(2) Proposed Structures . . . The shape, size and location of all buildings or other structures to be erected, altered or moved and of any buildings or other structures already on the lot.

(3) Use of Structures . . . The existing and intended use of all such buildings or other structures.

(4) Existing Yards . . . The dimensions of all yards and such other information concerning the lot or adjoining lots as may be essential for determining whether the provisions of this ordinance are being observed regarding yards, areas, off-street parking, and other such requirements or standards.

(5) Building Code . . . Any other information as required by the Building Code.

g. Issuance of Permit: If the proposed excavation, construction, moving or alteration as set forth in the application is in conformity with the provisions of this ordinance and any other ordinance of the city, the Building Inspector of the City shall issue a building permit.

h. Disapproval of Permit Request: If an application for a building permit is not approved, the Building Inspector of the City shall state in writing on the application the reason for such disapproval.

i. Null or Void Permits: Any permit issued in conflict with the provisions of this ordinance shall be null and void and may not be construed as waiving any provision of this ordinance.

j. Certificate of Occupancy Required: After the effective date of this ordinance, no change in the use or occupancy of land, nor any change of use or occupancy in an existing building other than for single-family residences shall be made, nor shall any new building be occupied for any purpose other than for single family residence

use until a certificate of occupancy has been issued by the Building Inspector of the City.

k. Record Kept by Building Inspector: A record of all certificates of occupancy shall be kept on file in the office of the Building Inspector, and copies shall be furnished on request to and at the expense of any person having a proprietary or tenancy interest in land or a building affected by such certificate of occupancy.

l. Appeal from Decisions: See Section 9, Paragraph i, for provisions concerning appeals from decisions of the Building Inspector.

Section 3. ZONE CLASSIFICATIONS

Use these "Use Groups" in connection with the following subsection "Zone Districts" to determine permitted uses.

a. Use Groups:

(1) Residential Use . . .

1.1 One-family residence . . . consists of a building housing a one-family living unit, only.

1.2 Swimming pool, private . . . consists of any artificially constructed pool designed, used or maintained for swimming purposes by an individual for use by his household and guests and located on a lot as an accessory use to residence. (See Supplementary Regulations)

1.3 Group residence . . . consists of a building or buildings, permanently housing more than five persons living as a unit, including a dormitory, sorority, fraternity.

1.4 Two-family residence . . . consists of building containing at least two but not more than four separate family living units.

1.5 Multi-family residence . . . consists of five or more apartment units with complete living facilities for each family.

1.6 Commercial residence, limited . . . consists of lodging, boarding or rooming house serving six or more persons for living and sleeping on a non-transient basis.

1.7 Mobile Home Subdivision . . . consists of twenty or more mobile home sites, each of which fronts on public right-of-way and each having its own water, sewer tap and a minimum of 3,000 sq. ft. in area and which meets all other City regulations for such

subdivisions, and where individuals normally, but not necessarily, own the site on which they reside.

(2) Assembly Use . . .

2.1 Community Facilities, open area . . . consists of publicly-owned and operated facilities such as a cemetery, park, lake, golf course and other public recreation area.

2.2 Country Club . . . consists of buildings and grounds owned or controlled by an association of persons as members of a club for the primary purpose of providing recreation for their own use. Such a use must provide a golf course and must comprise at least forty (40) acres. Lights for night use of a golf driving range are not permitted.

2.3 Swimming pool, semi-public . . . any body of water sufficiently deep for complete immersion of the body and used collectively by a number of persons for swimming or recreative bathing including all appurtenances. Use of such pools is contingent on either:

1) Being a bona fide member or guest of an organization whose purpose is in whole or in part the operation of such swimming pool.

2) Partaking of the primary service for hire of the concern owning and operating such pool, such as renting a room at a motel which provides a swimming pool for its customers.

2.4 Community Facilities, non-commercial . . . consists of place of worship, parochial schools, kindergarten, public museum, art centers, and library, publicly owned recreation structures, community building.

2.5 Community Facilities, Commercial . . . consists of transportation terminal, railroad station, airport, passenger station, funeral home, mortuary, private school, private college.

2.6 Membership Club . . . consists of an association of persons whether incorporated or unincorporated, for some common purpose but not including groups organized to render a service carried on as a business.

(3) Institutional Use . . .

3.1 Service Establishment, public . . . consists of public schools and colleges, municipal fire and police station and facilities for electric, gas, telephone, water, sewer, and sanitary fill

necessary for safe or efficient operations for the benefit of the public.

3.2 Nursery Schools and Day Nurseries . . . an establishment providing specialized group care on a planned, regular basis for more than four children who are away from their homes any part of the day, but not overnight. This use cannot be considered a home occupation unless it is necessary to the use of the building as a dwelling unit and meets other conditions for a home occupation.

3.3 Orphanage and Rest Home . . . consists of home for children or home for aged housing more than six persons.

3.4 Human treatment, unrestrained . . . consists of hospitals, nursing homes, sanitariums, convalescent homes and clinics and pharmacies when operated as an accessory use to hospitals including medical facilities necessary for treatment of patients or residents thereof.

3.5 Human treatment, restrained . . . consists of jails, reformatories and mental hospitals where personal liberties are restrained.

(4) Business Use . . .

4.1 Service business, limited, inside . . . consists of building for serving needs of persons where all services are rendered and all business is conducted within an enclosed building and where people are served on an individual basis or in small groups but not entertained, including bank, professional office, dental and medical clinic, governmental office, and office for handling paper work.

4.2 Parking lot . . . consists of an open area for the purpose of parking vehicles of employees or customers. Such lots must be improved as specified in Section 5 of this ordinance.

4.3 Service business, Personal, inside . . . consists of building for serving the personal needs of persons, except entertainment, including barber shop, beauty shop, self-service laundry, and pharmacy.

4.4 Retail business, limited, inside . . . consists of completely enclosed buildings or stores for displaying, storing, selling new goods, wares, equipment and merchandise of all descriptions but excluding lumber yards and auction houses.

4.5 Commercial residence, unlimited . . . consists of one or more buildings for transient or permanent guests including motels, hotels, and tourist homes.

4.6 Restaurant business, limited . . . consists of building for serving the dining needs of persons and where all service takes place within the building, including restaurants, cafes and cafeterias but no any operation involving drive-in service.

4.7 Amusement business, inside . . . consists of bowling alleys, dance studio or hall, recreation hall, night club, theatre, skating rink, enclosed swimming pool privately owned and operated.

4.8 Amusement business, outside . . . consists of open land or lot for amusement enterprizes such as childrens' play park, drive-in theatre, golf driving range, miniature golf course, outdoor swimming pool, and trampoline centers.

4.9 Mobile home park . . . consists of an area serving two or more mobile homes or trailer coaches on either a permanent or transient basis.

(5) Commercial Use . . .

5.1 Drive-in Business . . . consists of establishments where people drive into specified areas where their needs are served while they remain in their automobiles--such as drive-in restaurant or laundry and dry cleaning pick-up station.

5.2 Gasoline Service Stations . . . consists of buildings and surfaced area where automotive vehicles may be refueled and serviced. Such service does not include tire recapping, body painting or repair, nor engine repair which requires the removal of the head or the pan of the engine. Vehicles shall not be stored on the public right-of-way before, during or after servicing. Gasoline service stations, as measured from the property line of same, shall not be placed within 400 feet of an entrance to a school building or playground, nor within 400 feet of an existing gasoline service station property line, except that where a median strip is installed the 400 foot requirement shall not apply to service stations located on opposite sides of the street in which the median strip exists.

5.3 Retail Business, unlimited, outside . . . consists of open land or lot for displaying, storing, selling, minor repairing, and buying of new or used but operatable autos, trucks, boats and boating equipment, mobile homes, camp trailers, nursery stock and gardening supplies.

5.4 Repair Shops . . . consists of buildings and equipment for the repair or servicing of buildings, appliances and equipment, including plumbing, locksmithing, cabinet making, electrical repairs, and sheet metal work.

5.5 Retail Business, Unlimited, inside . . . consists of bakeries, building materials sales and storage, feed and seed stores, printing and publishing establishments. (See performance standards in supplementary Regulations).

5.6 Used Goods Business . . . consists of buildings for displaying and selling goods which have been used and are sold as such, including pawn shops and second hand stores and antique shops.

5.7 Service Business, unlimited . . . consists of animal hospitals, kennels, auction houses, frozen food lockers, glass fabrication and installation, commercial laundries, public garages, bus and taxi service building, roofing shops, sign painting shops, carpet cleaning establishments and commercial meat processing excluding slaughtering, curing and smoking. (See performance standards in Supplementary Regulations).

5.8 Automotive Maintenance Business . . . consists of buildings and service areas for repairing and maintaining automotive vehicles and equipment, including automobile repair shops, mechanical car wash, and tire recapping and storage. Vehicles shall not be stored in the public right-of-way before, during or after servicing. (See performance standards in Supplementary Regulations).

5.9 Wholesale Business . . . consists of storage buildings and wholesale business, but not for highly flammable materials or liquids.

5.10 Electronic Fabrication . . . consists of buildings and equipment for assembly, manufacture, fabrication maintenance or adjustment of electronic devices. (See performance standards in Supplementary Regulations).

(6) Industrial Use . . .

6.1 Manufacturing limited . . . consists of upholstery shops, wearing apparel fabrication and processing, dairy processing and distribution plant, bottling works, canvas products fabrication and sales, manufacture of handicraft products, food processing or canning, glass manufacture, machine shop, blacksmith shop, cold storage plant, oxygen and acetylene manufacture, synthetic and plastic manufacture, vitreous ware, pottery and porcelain manufacture, canning, curing and storing of hides, and industrial printing. (See performance standards in Supplementary Regulations).

6.2 Manufacturing, unlimited . . . consists of automobile, truck, airplane assembly and remodeling, metal works, stone and monument

works, concrete products fabrication, freight yard and truck terminal.

6.3 Industry, limited . . . consists of industry using sometimes combustible and explosive materials and which by its nature often emits excessive amounts of noise, fumes, smoke, dust, and similar features but where all practical means are used to confine such operational features to the premises. (See performance standards in Supplementary Regulations).

6.4 Industry, unlimited . . . consists of large scale industry, public incinerators, and other public and private industry using sometimes combustible and explosive materials and which cannot satisfactorily control noise, smoke, fumes, dust and other such operational features.

6.5 Industrial storage . . . consists of areas for the storage of flammable bulk products and raw materials for industrial use or sale, including concrete products, pipe and gravel and sand storage, city dump, and junk yards. (See performance standards in Supplementary Regulations).

b. Zone Districts:

Use these "Zone Districts" in connection with the previous subsection "Use Groups" to determine permitted uses.

(1) R-1-A One-Family Residence

A. Permitted Uses

Residential Use . . . 1.1, 1.2

Assembly Use . . . 2.1, 2.2

Institutional Use . . . 3.1

Accessory Buildings

B. Conditional Uses:

Assembly Use . . . 2.4

C. Lot Frontage, Minimum . . . 85 ft.

D. Lot Area, Minimum . . . 10,500 sq. ft.

E. Floor Area, Minimum

per dwelling unit . . . 1,500 sq. ft.

F. Maximum Lot Coverage . . . 30%

G. Maximum Height of Buildings . . . 25 ft.

H. Setback, Minimum

Major Streets . . . 100 ft.

Secondary Streets . . . 80 ft.

Collector Streets . . . 60 ft.

Other Streets . . . 45 ft.

I. Side Yard, Minimum

Principal Building . . . 10 ft.

Accessory Building . . . 10 ft.

J. Rear Yard, Minimum

Principal Building . . . 30 ft.

Accessory Building . . . 10 ft.

K. See Also: Signs, Section 4; Parking & Loading, Section 5;
Supplementary Regulations, Section 6.

(2) R-1-B One-Family Residence

A. Permitted Uses:

Residential Use . . . 1.1, 1.2

Assembly Use . . . 2.1, 2.2

Institutional Use . . . 3.1

Accessory Buildings . . .

Home Occupation . . .

B. Conditional Uses

Assembly Use . . . 2.3, 2.4

C. Lot Frontage, Minimum . . . 75 ft.

D. Lot Area, Minimum . . . 9,000 sq. ft.

E. Floor Area, Minimum

per dwelling unit . . . 1,100 sq. ft.

F. Maximum Lot Coverage . . . 30%

G. Maximum Height of Buildings . . . 25 ft.

H. Setback, Minimum

Major Streets . . . 100 ft.

Secondary Streets . . . 60 ft.

Collector Streets . . . 55 ft.

Other Streets . . . 45 ft.

I. Side Yard, Minimum

Principal Building . . . 7 ft.

Accessory Building

Front 1/2 of Lot . . . 7 ft.

Rear 1/2 of Lot . . . 4 ft.

J. Rear Yard, Minimum

Principal Building . . . 30 ft.

Accessory Building . . . 10 ft.

K. See also . . . Signs, Section 4; Parking & Loading, Section 5;
Supplementary Regulations, Section 6.

(3) R-1-C One-family Residence

A. Permitted Uses:

Residential Use . . . 1.1, 1.2

Assembly Use . . . 2.1, 2.2

Institutional Use . . . 3.1

Accessory Buildings . . .

Home Occupations . . .

B. Conditional Uses:

Assembly Use . . . 2.3, 2.4

Institutional Use . . . 3.2

C. Lot Frontage, Minimum . . . 60 ft.

D. Lot Area, Minimum . . . 6,000 sq. ft.

E. Floor Area, Minimum

per dwelling unit . . . 800 sq. ft.

F. Maximum Lot Coverage . . . 30%

G. Maximum Height of Buildings . . . 25 ft.

H. Setback, Minimum

Major Streets . . . 100 ft.

Secondary Streets . . . 60 ft.

Collector Streets . . . 50 ft.

Other Streets . . . 40 ft.

I. Side Yard, Minimum

Principal Building

One side . . . 5 ft.

Total minimum . . . 14 ft.

Accessory Building

Front 1/2 of Lot . . . 5 ft.

Rear 1/2 of Lot . . . 3 ft.

J. Rear Yard, Minimum

Principal Building . . . 25 ft.

Accessory Building . . . 5 ft.

K. See also . . . Signs, Section 4; Parking & Loading, Section 5; Supplementary Regulations, Section 6.

(4) R-1-D One-Family Residence

A. Permitted Uses:

Residential Use . . . 1.1, 1.2

Assembly Use . . . 2.1, 2.2

Institutional Use . . . 3.1

Accessory Buildings

Home Occupations

B. Conditional Uses:

Assembly Use . . . 2.3, 2.4

Institutional . . . 3.2

Business . . . 4.9

LIMITATIONS:

In addition to all requirements for conditional uses, Business Use 4.9 (Mobile Home Park) must be located so that the site requested for such use abutts a zone district in which Business 4.9 is a permitted use.

C. Lot Frontage, Minimum . . . 50 ft.

D. Lot Area, Minimum . . . 6,000 sq. ft.

E. Floor Area, Minimum

per dwelling unit . . . No minimum

F. Maximum Lot Coverage . . . 30%

G. Maximum Height of Buildings . . . 25 ft.

H. Setback, Minimum

Major Streets . . . 100 ft.

Secondary Streets . . . 60 ft.

Collector Streets . . . 50 ft.

Other Streets . . . 40 ft.

I. Side Yard, Minimum

Principal Building

One Side . . . 5 ft.

Total Minimum . . . 14 ft.

Accessory Building

Front 1/2 of Lot . . . 5 ft.

Rear 1/2 of Lot . . . 3 ft.

J. Rear Yard, Minimum

Principal Building . . . 25 ft.

Accessory Building . . . 5 ft.

K. See also . . . Signs, Section 4; Parking & Loading, Section 5;
Supplementary Regulations, Section 6.

(5) R-2 Two-Family Residence

A. Permitted Uses:

Residential Use . . . 1.1, 1.2, 1.3, 1.4

Assembly Use . . . 2.1, 2.2, 2.3

Institutional Use . . . 3.1, 3.2

Accessory Buildings . . .

Home Occupations . . .

B. Conditional Uses:

Residential Use . . . 1.7

Assembly Use . . . 2.4

Institutional Use . . . 3.3, 3.4

C. Lot Frontage, Minimum . . . 50 ft.

D. Lot Area, Minimum . . . 6,000 sq. ft.

For each additional 3,000 sq. ft. of lot area, two more family living units are permitted.

E. Floor Area, Minimum

per dwelling unit

Use 1.1 . . . 800 sq. ft.

Use 1.4 . . . 600 sq. ft.

F. Maximum Lot Coverage . . . 40%

G. Maximum Height of Buildings . . . 25 ft.

H. Setback, Minimum

Major Streets . . . 100 ft.

Secondary Streets . . . 60 ft.

Collector Streets . . . 50 ft.

Other Streets . . . 40 ft.

I. Side Yard, Minimum

Principal Building

One side . . . 5 ft.

Total minimum . . . 14 ft.

Accessory Building

Front 1/2 of Lot . . . 5 ft.

Rear 1/2 of Lot . . . 3 ft.

J. Rear Yard, Minimum

Principal Building . . . 25 ft.

Accessory Building . . . 5 ft.

K. See also . . . Signs, Section 4; Parking & Loading, Section 5; Supplementary Regulations, Section 6.

(6) R-3 Multi-Family Residence

A. Permitted Uses:

Residential Use . . . 1.1, 1.2, 1.3, 1.4, 1.5, 1.6

Assembly Use . . . 2.1, 2.2, 2.3, 2.4

Institutional Use . . . 3.1, 3.2, 3.3, 3.4

Accessory Buildings

Home Occupations

B. Conditional Uses:

Assembly Use . . . 2.5, 2.6

C. Lot Frontage, Minimum

Buildings with

8 or fewer dwelling units . . . 50 ft.

9 or more dwelling units . . . 100 ft.

D. Lot Area, Minimum

Buildings with

8 or fewer dwelling units . . . 6,000 sq. ft.

More than 8 dwelling units . . . 12,000 sq. ft.

E. Floor Area, Minimum

per dwelling unit

Use 1.1 . . . 800 sq. ft.

Use 1.4 . . . 600 sq. ft.

Use 1.5, 3--6 units, incl . . . 500 sq. ft.

Use 1.5, 7--10 units, incl . . . 450 sq. ft.

Use 1.5, 11 or more units . . . 400 sq. ft.

F. Maximum Lot Coverage . . . 50%

G. Maximum Height of Buildings . . . 35 ft.

(See Supplementary Regulations)

H. Setback, Minimum . . . Major Streets . . . 100 ft.

Secondary Streets . . . 60 ft.

Collector Streets . . . 50 ft.

Other Streets . . . 40 ft.

I. Side Yard, Minimum

Principal Building . . . One Side . . . 5 ft.

Principal Building . . . Total minimum . . . 14 ft.

Accessory Building . . .

Front 1/2 of Lot . . . 5 ft.

Rear 1/2 of Lot . . . 3 ft.

J. Rear Yard, Minimum . . .

Principal Building . . . 20 ft.

Accessory Building . . . 5 ft.

K. See also . . . Signs, Section 4; Parking & Loading, Section 5;
Supplementary Regulations, Section 6

(7) B-1 Limited Business

A. Permitted Uses:

Residential Use . . . 1.1, 1.2, 1.3, 1.4, 1.5, 1.6

Assembly Use . . . 2.1, 2.2, 2.3, 2.4, 2.5

Institutional Use . . . 3.1, 3.2, 3.3, 3.4

Business Use . . . 4.1, 4.2

Accessory Buildings

Home Occupations

B. Conditional Use:

Assembly Use . . . 2.6

Business Use . . . 4.3, 4.5, 4.8

Commercial Use . . . 5.10

C. Floor Area, Minimum

per dwelling unit

Use 1.1 . . . 900 sq. ft.

Use 1.4 . . . 650 sq. ft.

Use 1.5, 3--6 units, incl . . . 600 sq. ft.

Use 1.5, 7--10 units, incl . . . 500 sq. ft.

Use 1.5, 11 or more units . . . 400 sq. ft.

D. Maximum Height of Buildings . . . 35 ft.

(See Supplementary Regulations)

E. Setback . . . 1) Same as required by any abutting "R" residential district in the same block.

2) Major Streets . . . 50 ft.

Secondary Streets . . . 40 ft.

Collector Streets . . . 30 ft.

Other Streets . . . 25 ft.

Either of the above standards will be used, whichever requires the greater setback.

F. Side and Rear Yards . . . Such yards shall be 50% of required distance for any abutting "R" residential district in the same block and fronting on the same street.

G. See also . . . Signs, Section 4; Parking & Loading, Section 5; Supplementary Regulations, Section 6

(8) B-2 Neighborhood Business

A. Permitted Uses:

Assembly Use . . . 2.1, 2.2, 2.3, 2.4, 2.5

Institutional Use . . . 3.1, 3.2, 3.3, 3.4

Business Use . . . 4.1, 4.2, 4.3, 4.4

B. Conditional Uses:

Commercial Use . . . 5.2, 5.10

LIMITATIONS:

This zone district may be permitted only subject to all of the following conditions and limitations:

1) Must be located at the intersection of two existing through streets.

2) Must be located at least 2,600 feet from another Business, Commercial, or Industrial zone district.

3) Can be located on only two of the corners of any intersection and then only if said corners are across only one of the intersecting streets from each other.

4) Maximum land area permitted is 50,000 square feet on one corner so zoned. The short dimension of this zone district on either corner shall not be less than 50% of the long dimension.

5) Business Uses must be constructed and operated so as not to increase curb parking in front of abutting residential areas.

6) All business uses in this district must cease operation and turn off illuminated signs daily at 10:00 P.M.

7) Service entrances and service yards shall be located only in the rear and side yard of the shopping center unit. Service yards must be screened from adjacent residential property by the installation and maintenance of a solid wall or fence having a height of not less than four feet nor more than six feet.

C. Maximum Height of Buildings . . . 35 ft.

D. Setback . . . 1) Same as required by any abutting "R" residential district in the same block.

2) Major Streets . . . 50 ft.

Secondary Streets . . . 40 ft.

Collector Streets . . . 30 ft.

Other Streets . . . 25 ft.

Either of the above standards will be used, whichever requires the greater setback.

E. Side and Rear Yards . . . Such yards shall be 50% of required distance for any abutting "R" residential district in the same block and fronting on the same street.

F. See also . . . Signs, Section 4; Parking & Loading, Section 5; Supplementary Regulations, Section 6.

(9) B-3 Retail Business

A. Permitted Uses:

Assembly Use . . . 2.1, 2.3, 2.4, 2.5, 2.6

Institutional Use . . . 3.1, 3.4, 3.5

Business Use . . . 4.1, 4.2, 4.3, 4.4, 4.5, 4.6, 4.7

B. Conditional Uses:

Commercial . . . 5.2, 5.3, 5.4, 5.10

LIMITATIONS:

Service entrances and service yards shall be located only in the rear and side yard of the business unit. Service yards must be screened from adjacent single-family-zoned property by the installation and maintenance of a solid wall or fence having a height of not less than four feet nor more than six feet and when the B-3 zone district abutts a single family zone district directly without the intervention of a street or highway (but not including an alleyway or easement) the boundary between such B-3 zone district and the single family zone district shall be so fenced.

C. Maximum Height of Buildings . . . 65 ft.

(See Supplementary Regulations)

D. Setback . . . 1) Same as required by any abutting "R" residential district in the same block and fronting on the same street.

2) Major Streets . . . 50 ft.

Secondary Streets . . . 40 ft.

Collector Streets . . . 30 ft.

Other Streets . . . 25 ft.

Either of the above standards will be used, whichever requires the greater setback.

E. See also . . . Signs, Section 4; Parking & Loading, Section 5; Supplementary Regulations, Section 6.

(10) C-1 Light Commerce

A. Permitted Uses:

Assembly Use . . . 2.1, 2.3, 2.4, 2.5, 2.6

Institutional Use . . . 3.1, 3.4, 3.5

Business Use . . . 4.1, 4.2, 4.3, 4.4, 4.5, 4.6, 4.7, 4.8, 4.9

Commercial Use . . . 5.1, 5.2, 5.3, 5.4

B. Conditional Uses:

Commercial . . . 5.5, 5.6, 5.7, 5.8, 5.9, 5.10

C. Maximum Height of Buildings . . . 65 ft.

(See Supplementary Regulations)

D. Setback . . . 1) Same as required by any abutting "R" residential district in the same block and fronting on the same street.

2) Major Streets . . . 50 ft.

Secondary Streets . . . 40 ft.

Collector Streets . . . 30 ft.

Other Streets . . . 25 ft.

Either of the above standards will be used, whichever requires the greater setback.

E. See also: . . . Signs, Section 4; Parking and Loading, Section 5; Supplementary Regulations, Section 6.

(11) C-2 Heavy Commerce

A. Permitted Uses:

Assembly Use . . . 2.1, 2.3, 2.4, 2.5, 2.6

Institutional Use . . . 3.1, 3.4, 3.5

Business Use . . . 4.1, 4.2, 4.3, 4.4, 4.5, 4.6, 4.7, 4.8, 4.9

Commercial Use . . . 5.1, 5.2, 5.3, 5.4, 5.5, 5.6, 5.7, 5.8, 5.9, 5.10

B. Conditional Uses:

None

C. Maximum Height of Buildings . . . 65 ft.

(See Supplementary Regulations)

D. Setback . . . Major Streets . . . 50 ft.

Secondary Streets . . . 40 ft.

Collector Streets . . . 30 ft.

Other Streets . . . 25 ft.

E. See also: . . . Signs, Section 4; Parking & Loading, Section 5; Supplementary Regulations, Section 6.

(12) I-1 Light Industry

A. Permitted Uses:

Assembly Use . . . 2.1, 2.3, 2.5

Institutional Use . . . 3.1, 3.5

Business Use . . . 4.1, 4.2, 4.3, 4.5, 4.6, 4.7, 4.8

Commercial Use . . . 5.1, 5.2, 5.3, 5.4, 5.5, 5.6, 5.7, 5.8, 5.9, 5.10

Industrial Use . . . 6.1, 6.2, 6.3

B. Conditional Uses:

None

C. Maximum Height of Buildings . . . 65 ft.

(See Supplementary Regulations)

D. Setback . . . Major Streets . . . 50 ft.

Secondary Streets . . . 40 ft.

Collector Streets . . . 30 ft.

Other Streets . . . 25 ft.

E. See also . . . Signs, Section 4; Parking & Loading, Section 5; Supplementary Regulations, Section 6.

(13) I-2 Heavy Industry

A. Permitted Uses:

Institutional Use . . . 3.1, 3.5

Business Use . . . 4.1, 4.2, 4.3, 4.5, 4.6, 4.7, 4.8

Commercial Use . . . 5.1, 5.2, 5.3, 5.4, 5.5, 5.6, 5.7, 5.8, 5.9, 5.10

Industrial Use . . . 6.1, 6.2, 6.3, 6.4, 6.5

B. Conditional Uses:

None

C. Maximum Height of Buildings . . . 65 ft.

(See Supplementary Regulations)

D. Setback . . . Major Streets . . . 50 ft.

Secondary Streets . . . 40 ft.

Collector Streets . . . 30 ft.

Other Streets . . . 25 ft.

E. See also: . . . Signs, Section 4; Parking & Loading, Section 5; Supplementary Regulations, Section 6.

(14) P. Off-Street Parking

A. Permitted Uses:

Business Use . . . 4.2

B. Conditional Uses:

None

LIMITATIONS:

This zone district is composed of land used for off-street parking where such land abutts a business, commercial or industrial district and is abutted on at least one side by residential area. This district is designed to:

- 1) Permit off-street parking to support business, commercial or industrial uses without permitting such uses per se to extend into residential areas.
- 2) Reduce congestion in the streets caused by certain uses with a minimum of incompatibility with abutting residential area.

This zone district may be permitted and used only subject to all of the following conditions and limitations which provide that the parking lot:

- 1) Is properly graded for drainage; surfaced with concrete, asphaltic concrete, asphalt, oil or any other dust-free surfacing and maintained in good condition, free of weeds, dust, trash or debris.
- 2) Is provided with entrances and exits so located as to minimize traffic congestion and the effect of headlights at night in accordance with all City regulations.
- 3) Is provided with wheel or bumper guards so located and arranged that no part of any parked vehicle will extend beyond the boundaries of the parking lot.
- 4) If the abutting business, commercial, or industrial use is operated after 10:00 P.M. at any time it shall provide a solid fence on each boundary of the parking lot which abuts a residential district for the purpose of obscuring from such abutting residential district the direct light from automobile

headlights. The fence shall be maintained in a slightly condition and shall not be used as a support for signs.

5) In cases where the "P" zone is across a street from any R-1 zone district, a solid fence at least 4 feet but not over 5 feet high must be installed. Such fence may be erected on the property line.

6) Lighting facilities are so arranged that they are directed away from residential property and that direct light beams be confined to the lighted property by appropriate directional hooding.

7) Has only one shelter building for an attendant which contains not more than fifty square feet of gross floor area.

8) When the "P" zone is located adjacent to and in support of a B-2 zone, the maximum permitted area of the P zone shall be no greater than 60% of such adjacent B-2 zone area.

C. Maximum Height of Buildings . . . 12 ft.

D. Setback . . . Same as required for abutting "R" residential district in same block.

E. See also: Signs, Section 4; Supplementary Regulations, Section 6.

Section 4. SIGNS

Signs shall be allowed in each zone district as permitted and limited by the provisions of this section.

a. Residential Districts: In zone districts R-1-A, R-1-B, R-1-C, R-1-D, R-2, and R-3 only the following signs shall be permitted subject to all of the following conditions:

(1) A nameplate, not exceeding two square feet in area, containing only the name of the resident, title of person conducting a permitted home occupation, name of building, and name of agent.

(2) A bulletin sign, not exceeding 15 square feet in area, erected upon the premises of a church or other institution for the purpose of displaying the name of the institution and its activities or services.

(3) A land sales sign, nonilluminated, advertising the sale or development of lot subdivisions containing an area of not less than seven lots erected upon the property so developed and advertised for sale, provided the size of such sign is not in excess of 25 square feet, and not more than two such signs are

placed upon any property in single and separate ownership, such signs shall not be erected more than one year for any piece of property.

(4) A real estate sign, nonilluminated, not exceeding six square feet in area, appertaining to the sale or lease of the premises. Such signs shall not be erected more than one year for any piece of property.

(5) A contractor's sign, nonilluminated, advertising the development or improvement of a property by a builder, contractor, or other person furnishing service, materials, or labor to said premises during the period of construction, provided the size of any such sign is not in excess of 12 square feet.

(6) No sign shall be erected upon or applied to, any roof. The term "sign" herein shall not apply to a religious symbol, unaccompanied by lettering, when applied to the cornice, tower, or spire of a place of worship.

(7) Signs shall be located at least 15 feet back from the street property line of the premises on which the same are erected or maintained, unless attached and not projecting more than 18" from the building.

(8) Signs as referred to in this section and elsewhere in this ordinance shall be constructed of durable materials and shall be kept in good condition and repair.

b. Business Districts: In zone districts B-1, B-2 and B-3, signs permitted in residential districts (See a. above) are permitted. Other signs shall be permitted subject to all of the following conditions:

(1) Signs any part of which project out from the building from four to eighteen inches shall be erected so that no portion of the sign is less than eight feet above grade.

Signs which project more than 18 inches from the building must be at least 12 feet above grade and may extend a maximum of 8 feet provided that they do not extend further than a point two feet in back of the curb face.

(2) If any sign is illuminated, it shall not be of the rotary flashing beacon type. Any illuminated sign which faces a residential zone district or a residential use in any zone district shall be located at least 100 feet therefrom, measured perpendicular to the face of the sign.

(3) Any free-standing sign structure or sign on top of a building shall not be located closer than allowed by setback and yard requirements to any lot line and shall not exceed the maximum building height permitted in the zone district. Any sign supported by such free-standing sign structure and any part of which projects over the public right-of-way must be at least 12 feet above and cannot extend further than a point 2 feet in back of the curb face.

(4) In B-2 zone districts, no sign shall have an area in excess of 150 square feet.

c. Commercial and Industrial Districts: In zone districts C-1, C-2, I-1, and I-2 signs permitted in residential and business districts (See a. and b. above) are permitted. Other signs including outdoor commercial signs, billboards or advertising structures shall be permitted subject to all of the following conditions:

(1) No sign may extend over the public right-of-way more than six feet or closer than 5 feet to the curb face unless the bottom point of such sign is at least 14 feet above the top of the curb. In no case shall any projecting sign extend beyond the face of the curb.

(2) If the sign is illuminated, it shall not be of the flashing beacon type, and if such illuminated sign faces a residential zone district or a residential use in any zone district, it shall be located at least 100 feet therefrom measured perpendicular to the face of the sign.

d. Non-Conforming Signs: See "Non-Conforming Uses" Section, "Cessation", (Section 7, h., page 47.)

Section 5. PARKING AND LOADING

a. Off-Street Parking: The "standards" as suggested in this paragraph are for the guidance of persons seeking a building permit within the City. The provisions of the "standards" in this section will not be enforced as requirements, but sound planning and property development principles assure that these standards will insure the continued usefulness of structures for their intended purpose.

(1) Standards . . . The following are minimum standards for parking spaces to be maintained in connection with the buildings and uses indicated:

(a) Auditoriums, assembly halls, dance halls, gymnasiums, theatres, skating rinks -- 1 space for each 4 seats or 1 space for each 100 sq. ft. of gross floor area, whichever is the greater.

(b) Bowling alleys -- 4 spaces per alley.

(c) Churches -- 1 space for each 5 seats or 3 spaces for each 100 sq. ft. of seating floor area, whichever is greater.

(d) Educational institutions -- for high schools and colleges one space for every 4 persons in the faculty and student body, and for elementary, primary and junior high school, 2 spaces for every classroom.

(e) Hospitals -- one space for each 3 beds.

(f) Hotels, boarding and rooming houses, clubs, lodges, fraternities and sororities -- one space for each 2 guest rooms or an area equal to the gross ground floor area of the building, whichever is greater.

(g) Industrial and/or manufacturing -- one space per each 3 employees, but in no event less than an area equal to one-fourth the floor area of the building.

(h) Offices, business, professional agencies and banks -- one space per each 300 square feet of floor area.

(i) Residential uses -- one space per each dwelling unit.

(j) Restaurants, bars, taverns -- one space per each 100 sq. ft. of floor area.

(k) Retail business -- up to 7500 sq. ft. floor area, an area equal to one-half the floor area; 7500 sq. ft. and above, an area equal to the floor area.

(l) Tourist courts, motels -- one space per each unit.

(m) Warehousing and wholesale business -- one space per each three employees but in no event less than an area equal to one-fourth the floor area of the building.

(2) Space dimensions . . . Each space shall be not less than 10 feet wide and 20 feet long.

(3) Applicability . . . In case of a use not specifically mentioned, the off-street parking standards provided for a similar use shall apply.

(4) Mixed uses . . . In the case of mixed uses, the total area shall be the sum of the standards for the various uses.

(5) Location . . . The parking area must be provided on the same property as the principal building except that in business, commercial and industrial districts the parking may be within 400 feet of the property, but within a zone district permitting such parking use. Such separate parking lots shall be maintained as long as the principal buildings or uses are maintained. Parking spaces in residential districts shall not be in areas required as minimum front yards.

(6) Use of Off-Street Parking by Another Building . . . No part of an off-street parking space specified for any building or use shall be included as a part of an off-street area for another building or use, unless such uses do not conflict with each other.

(7) Existing Parking Areas . . . Off-Street parking space being maintained in any zone in connection with any existing building or use on the effective date of this Ordinance shall be thereafter maintained except that no more parking shall be required for new use of the same type by this Ordinance.

(8) Plan of Parking Areas . . . for any parking area designed for 50 or more cars, plans should be submitted to the Building Inspector for investigation and recommendation.

(9) Record of Parking Areas . . . A drawing of each building and the location and layout of its parking area in all business, commercial and industrial zone districts shall be maintained by the Building Inspector.

b. Off-Street Loading: The standards in this paragraph are required for construction of the applicable buildings as indicated. Failure to comply with these provisions shall constitute a violation of this ordinance.

(1) Every building as a part of an institutional, business commercial or industrial use hereafter erected, moved, converted, extended, enlarged or increased shall maintain the following off-street loading spaces:

(a) For structures containing less than 25,000 gross square feet, one space for each 12,500 gross square feet or part thereof. Each such space shall have a net area of not less than 250 square feet.

(b) For structures containing 25,000 or more gross square feet, the number of spaces specified in the following table. Each such space shall be at least ten feet wide, twenty-five feet long and fourteen feet high.

Square Feet of Gross Floor Area: Required Number of Spaces

25,000 up to and including 40,000 . . .	1
40,001 up to and including 100,000 . . .	2
100,001 up to and including 160,000 . . .	3
160,001 up to and including 240,000 . . .	4
240,001 up to and including 320,000 . . .	5
320,001 up to and including 400,000 . . .	6
For each additional 90,000 over 400,000 . . .	1 additional

(2) Location of Loading Space . . . Where the lot on which the loading space is located abuts upon an alley such loading space shall adjoin the alley. The length of the loading space may be measured perpendicular to or parallel with the alley, except that on lots less than thirty (30) feet in width, the length of such loading space shall be measured perpendicular to the alley, unless structures on the adjacent lots permit practical access to a parallel location. Where said length is parallel with the alley the loading space shall extend across the full width of the lot, except that if only two (2) such spaces are required, the length need not exceed fifty (50) feet.

(3) Existing Loading Space . . . Loading space being maintained in connection with any existing main building on the effective date of this ordinance shall thereafter be maintained so long as said building remains, unless an equivalent number of such places are provided conforming to the requirements of this Section; provided, however, that this regulation shall not require the maintenance of more loading space than is herein required for a new building.

Section 6. SUPPLEMENTARY REGULATIONS

a. Fences: Fences or walls not exceeding 30 inches in height may be erected on any part of a lot in any "R" residential zone district except as further regulated on corner lots, between the front line of the lot and the front setback line for structures, and on any other part of the lot may be erected to a height not exceeding 6 feet. The height of such walls or fences shall be determined by measurement from the ground level at the lowest grade level within three feet of either side of such fences or walls. Any fence more than 6 feet in height shall be considered a structure. If an "R" residential tract faces into a "B" business, "C" Commercial, "I" Industrial, or "P" Parking zone district, the

height of the fence in front of the setback line for structures may be 4 feet high.

On corner lots that part of a backyard fence which extends to the side property line may be 5 feet high.

b. Fire Zones: For the purpose of this ordinance the entire City is hereby declared to be and is hereby established a fire district, and said fire district shall be known and designated as Fire Zones 1, 2, and 3 as set forth in Chapter 16 "Restrictions in Fire Zones" of Part IV titled "Requirements Based on Location in Fire Zones" of the Uniform Building Code as adopted by the City of Grand Junction.

All areas within the City are hereby placed into fire zones according to their land use zones as follows:

Zone District Fire Zone

R-1-A . . . 3

R-1-B . . . 3

R-1-C . . . 3

R-1-D . . . 3

R-2 . . . 3

R-3 . . . 3

B-1 . . . 2

B-2 . . . 2

B-3 . . . 1

C-1 . . . 2

C-2 . . . 1

I-1 . . . 2

I-2 . . . 3

P . . . 3

c. Performance Standards: The operation of any use permitted in this ordinance is subject to the standards of performance, as follows:

(1) General . . . All uses must be operated so that all practical means are used to confine any noise, odor, dust, smoke, vibration or other similar features to the premises upon which located.

(2) Enclosures . . . All outdoor storage areas shall be completely enclosed by a fence or wall at least 6 ft. in height in Industrial zone districts along sides adjacent to street right-of-way of major streets and such that the area enclosed by the fence or wall is not visible from outside such fence or wall.

(3) Illumination . . . Any light used to illuminate signs, parking areas, or for any other purposes shall be so arranged as to confine direct light beams to the lighted property by appropriate directional hooding.

(4) Vehicular Traffic Areas . . . All uses classified as Commercial Use, 5.1, "Drive-in Business", shall comply with all of the following requirements within one year of the effective date of this ordinance;

(a) Surfaces shall be properly graded for drainage; surfaced with concrete, asphaltic concrete, asphalt, oil, or any other dust-free surfacing and maintained in good condition free of weeds, dust, trash and debris.

(b) Such areas shall be provided with barriers of such dimensions that occupants of adjacent residential buildings are not unreasonably disturbed either by day or night by the movement of vehicles. For each boundary line abutting directly on a lot zoned in any "R" residential district, a solid wall or fence at least 4 ft. in height shall be erected subject to the provisions of Section 6, paragraph a., "Fences", if a business, commercial or industrial use is operated after 10:00 P.M. at any time.

(c) All entrances and exits to such areas shall be located as to minimize traffic congestion and subject to all other City regulations. Wheel or bumper guards shall be provided and so located and arranged that no part of any parked vehicle will extend beyond the boundaries of the parking area.

(d) No servicing equipment at gasoline service stations or public garages for the service of gasoline, oil, air, water, etc. shall be closer to the public right-of-way than ten feet.

(5) Traffic Visibility . . . In order to minimize traffic hazards at intersections the following regulations shall apply on corner lots in the zone districts indicated:

(a) In all residential zone districts no wall, fence, shrub, plant or any other item shall be erected or grown to a height exceeding 2 1/2 feet above the grade in the triangular area two sides of which are determined by measuring along the curb line from the projected intersection of both corner curb lines a distance of 35 feet with the third side of such triangle being a line connecting the two points so determined.

(b) In all business, commercial and industrial zones no fence or wall, other than permitted structures shall be erected and no hedge, shrub, tree, or other growth shall be maintained in such location upon any lot or property in a manner constituting a traffic hazard because of obstruction to view.

(6) Truck Parking . . . In R-1 residential zone districts only one commercial vehicle may be parked on the premises. Any commercial vehicle so parked must be stored in a private garage, carport or rear yard of a residential lot. In R-1-A and R-1-B residential zone districts the size of said commercial shall not exceed 3/4 ton carrying capacity, and in R-1-C and R-1-D residential zone districts said commercial vehicle shall not have more than two (2) axles in tandem on a power unit, shall not be accompanied by a trailer unit, and shall not have a gross loaded weight capacity of more than ten (10) tons.

d. Public Right-of-Way Use: No structure, fence, sign, or other permanent, man-made object may be erected in the public right-of-way without specific permission of the City Council after consideration by the Planning and Zoning Commission. No part of the public right-of-way may be used for the storage or display of goods, wares or merchandise offered for sale or for advertising or for any other purpose unless authorized in accordance with provisions of the City traffic ordinance.

e. Potential Flood Areas: If proposed building construction may be damaged by flooding, or may cause existing buildings to be damaged by flooding, the issuance of permit for such structures must have the written approval of the City Engineer. If the City Engineer will not approve such location for building because of its flooding potential, he must state his reasons to the applicant in writing. The applicant may have recourse to the City Council to grant such permit but only after consideration by the City Planning and Zoning Commission.

f. Building Height:

(1) The maximum height for buildings as specified in business, commercial and industrial zone districts may be increased by action of the City Council after consideration of the Planning Commission following a public hearing for which public notice is

given, provided the applicant obtains written evidence from the City Fire Department and Building Inspector that the preliminary plans for the proposed building include adequate features for fire protection and public safety, and provided the Planning Commission is guided in its findings by the following considerations:

(a) The effect of the increased height on adjacent property including that of light, air and ventilation.

(b) Availability and suitability of off-street parking.

(c) Location and design of the structure with reference to fire, health, and safety factors.

(d) The economic impact on the community of the proposed structure.

(2) The construction or establishment of any building, tree, smoke stack, chimney, flag pole, wires, tower or other structures or appurtenances thereto which may constitute a hazard or obstruction to safe air navigation, landing, or take-off of aircraft near a publicly-used airport is prohibited. Regulations established by the Federal Aviation Agency shall be considered as minimum acceptable standards.

(3) Height limitations of this Ordinance shall not apply to church spires, belfries, cupola, antennas, domes, electronic towers, water tanks or penthouses not used for human occupancy except as provided by sub-paragraph (2) above.

g. Private Garages and Carports:

(1) Garages and accessory buildings shall not be set closer to the front street than the principal building on the lot.

(2) Carports may be located closer to the side yard lot line by one-half of the minimum required side lot for principle building. Carports so located must remain open on the side toward the side lot line.

h. Swimming Pools: The following regulations shall apply to all swimming pools within the City:

(1) Drain outlets shall be connected to storm sewers if said sewers are available in adjacent rights-of-ways.

(2) The drain outlet of the swimming pool which connects to a sanitary sewer shall not exceed 2 inches in diameter unless authorized in writing by the City Manager.

(3) The City Manager may require that all draining of swimming pools be coordinated through his office in order to minimize overloading the City's sanitary sewer system.

i. Set-back and Floor Area in Developed Areas: In blocks with more than 50% of the buildable lots already developed, new construction shall conform to the average set-back of the existing buildings, and floor area may conform to the average floor area if less than that specified.

j. Accessory Building Location: Permitted accessory buildings may be located in the required rear yard for the principal building, provided not more than 40% of the area of any required rear yard is eliminated.

k. Location of Trees or Shrubs: Trees, shrubs, or other landscaping items which are normally permitted within the street right-of-way not currently in use as street roadway shall be located not closer to the center line of said street than the distance indicated as follows:

(1) Major streets . . . 48 feet

(2) Secondary streets . . . 34 feet

with median strip . . . 38 feet

(3) Collector streets . . . 28 feet

(4) Other streets . . . 26 feet

In cases where right-of-way existing on the effective date of this ordinance or that of a future annexation is less than 50 feet the City Park Director shall determine the required set-back after considering widths for street improvements, including curbs, gutters and sidewalks.

l. Partially Dedicated Street: No building permit shall be issued for a building or structure on a lot which abuts a street dedicated to a portion of its required width and located on that side thereof from which all dedication has not been made as required by the Master Street Plan.

m. Established Lots: Where an individual lot was held in separate ownership from adjoining properties or was platted and recorded on or before the effective date of this ordinance and has less area and/or less width than required in other sections of this ordinance, such a lot may be occupied according to the permitted uses provided for the district in which such lot is located.

n. Yard Exceptions:

(1) On the corner lot except reverse corner lots platted as such, the side yard adjacent to the side street shall be one-half of the required front yard for such street.

(2) On a reverse corner lot, a principal or accessory building may front on side street providing the front yard requirements shall be the same as normal front yards for the district in which they are located.

(3) The side yard on the street side of a reverse corner lot shall conform to the front yard requirements of a district in which the building is located.

(4) Accessory buildings on corner and reversed corner lots shall be located only in an area which is no closer to any street right-of-way than one-half of the distance from both abutting street right-of-ways.

(5) Projection into yards . . . (See "Garages & Carports", page 20)

(a) Architectural features such as cornices, canopies, eaves, or similar architectural features may extend into a required yard not more than four feet but in no case closer than three feet to any lot line.

(b) Porches that are open, unenclosed, or screened in at ground level or below the main floor level, and chimneys and fire escapes may extend into a required yard not more than six feet but in no case closer than three feet to any lot line.

(6) Storage in yards . . . No portion of any required front yard or side yard on the street side of a corner lot shall be used for the storage of motor vehicles, trailers, airplanes, boats, parts of any of the foregoing, or building materials except such materials for use on the premises stored thereon during the time a valid permit is in effect for construction on the premises.

o. Survey: Where doubt may exist in establishing the minimum set-back distance, side yard or rear yard, the building inspector shall require the property owner to provide a survey by a registered surveyor to determine such measurement.

p. Natural Production Uses: In the industrial zone districts only, the excavation of sand, clay, gravel, or other natural mineral deposits or quarrying of any kind of rock formation, except top soil, may be permitted--but only upon written permission of the City Engineer and subject to such conditions and safeguards deemed

necessary to protect the health, safety, welfare and property of the community.

q. Uses not mentioned: No building permit shall be issued for a use not specifically mentioned or described by category in this ordinance. In such case, and before a building permit is issued, the City Planning and Zoning Commission shall recommend to the City Council the use group in which the use shall be allowed. The City Council shall consider such recommendation and may assign the use to a use group by amending this ordinance.

Section 7. NON-CONFORMING USES

a. Registration: A Certificate of Registration may be filed for all non-conforming uses, except signs (see Section 7 h.), of land legally existing or created at the time of passage of this Ordinance to protect the interests of owners and operators of such non-conforming uses. Filing of Certificates of non-conforming uses is optional and is provided solely for the protection of the present and future owners or operators. Such Certificate of Registration for non-conforming uses shall be filed in triplicate with the Building Inspector by the owner or operator of the land or building occupied by such non-conforming use within one year from the effective date of this Ordinance.

It shall be the duty of the Building Inspector to accept a Certificate of Registration for non-conforming uses, provided evidence is shown that the non-conforming use has been legally established in accordance with this or prior zoning ordinances.

The Building Inspector shall retain a copy of each original registration, file one with the County Clerk and send one to the owner or operator who registered the use. All fees for such registration shall be paid by the owner or operator of the registered non-conforming use. The acceptance, logging and recording of all tendered non-conforming use registrations does not constitute an authorization to operate an unlawful use.

b. Continuance: Subject to all limitations in this ordinance in Paragraphs d, e, f, g, h and i of this section, the operation of a non-conforming use may be continued after the effective date of this ordinance. More definite protection of a legal non-conforming use status may be assured the owner or operator of such non-conforming use by an annual re-registration of said status at his option. Failure to re-register annually shall not jeopardize the non-conforming status of any use. In cases where a use has been registered as provided in paragraph a. above, re-registration notification procedure will be as follows:

(1) During the month of April annually beginning with the first April which is more than 12 months later than the effective date of this ordinance, all persons owning or operating non-conforming uses which have been registered the previous calendar year may re-register such uses in the office of the Building Inspector to assure continued legal non-conforming use status.

(2) During the month of January preceding each April specified in paragraph (1) on other side of sheet, the Building Inspector shall notify by certified or registered mail the last registered operator of each non-conforming use of the provisions of this ordinance pursuant to non-conforming use continuance re-registration.

(3) If an owner or operator of a non-conforming use fails to comply with the registration and/or re-registration provisions herein established, such failure to comply shall not be considered a forfeiture of the non-conforming status on the subject property nor proof of intent to abandon said use.

c. Repairs and Maintenance: Ordinary repairs and maintenance of a structure containing a non-conforming use shall be permitted.

d. Restoration: A structure housing a non-conforming use which has been damaged by fire or other causes in extent not exceeding 50% of its assumed market value on the day before the calamity, may be restored to conform to the City Building Code, provided such work is commenced within one year of such calamity. Assumed market value shall be determined by multiplying the most recent assessed value of the damaged improvement by five.

e. Abandonment: Whenever a non-conforming use has been discontinued for a period of one year, such use or any other non-conforming use shall not thereafter be re-established, and any future use shall be in conformance with the provisions of this ordinance.

f. Change in Use: A non-conforming use shall not be changed except to a conforming or to another use of a higher or more restrictive classification as provided by this ordinance. A change of a non-conforming use in the I-1 or I-2 zone district to a use which is a residential use as specified in Section 3, Paragraph a. (1), shall not be permitted.

g. Extensions: A non-conforming use as it exists on the effective date of this ordinance shall not be extended in scope or area except to provide garages or sanitary facilities for residential uses.

h. Cessation: Non-conforming non-illuminated signs flashing beacon signs and outdoor commercial advertising devices and non-conforming junk yards, outdoor automobile dismantling establishments or storage of motor vehicles not in operatable condition shall be discontinued and the ground or area upon which these uses are located, cleared and restored to a vacant or conforming use condition within one year from the effective date hereof. Residential uses in "I-2" industrial zone districts and industrial uses in all "R-I" residential zone districts must be discontinued within 20 years after the effective date of this ordinance.

i. Modified Residential Uses: A modified residential use may be continued indefinitely or discontinued and later resumed except that if the subject structure as indicated is damaged to more than 50% of its assumed market value as determined in paragraph d. above at a time longer than the indicated period after construction was first undertaken, the replacing structure must conform to all provisions of this ordinance:

(1) Frame Structures: 20 years

(2) Masonry Structures: 30 years

Section 8. PLANNING AND ZONING COMMISSION

a. Members: There is hereby created a Planning and Zoning Commission for the City of Grand Junction. The Commission shall consist of seven members two of whom shall be City Councilmen currently in office. The five lay members of the Commission shall be residents of the City and shall pay taxes on real property located within the City. The City Manager and/or his appointed representative shall serve as advisors to the Commission.

b. Tenure: Lay members of the Commission shall serve four years from the date of appointment, except that the terms of two of the appointees first appointed under this ordinance shall be for two years. Members of the Commission who are City Councilmen shall serve during their current term in office, or for four years, whichever is shorter.

c. Vacancies: Appointments to fill all vacancies on the Commission shall be made by the City Council. If a Commission member ceases to reside in the City his membership on the Commission shall immediately terminate.

d. Removal: Members of the Commission may be removed after public hearing by the City Council for inefficiency, neglect of duty or malfeasance in office. The President of the Council shall make

public a written statement of reasons for such removal prior to said public hearing.

e. Meetings: Public meetings of the Commission shall be regularly scheduled at least once each month. Special meetings may be held as provided by rules of procedure adopted by the Commission. The presence of four voting members is necessary to constitute a quorum.

f. Compensation: All members of the Commission shall serve as such without compensation. Actual expenses incurred in performing duties as members of the Commission may be compensated.

g. Jurisdiction and Powers: Except as otherwise provided in this ordinance the Commission shall be governed by the provisions of Articles 59 and 60, Chapter 139, Colorado Revised Statutes, 1953. The Commission and other City officials mentioned in said articles 59 and 60 shall have all of the powers provided for in said articles and shall exercise all of the functions and be governed by the procedures therein set forth.

Section 9. BOARD OF ADJUSTMENT AND APPEALS

a. Members: There is hereby created a Board of Adjustment and Appeals for the City of Grand Junction. The Board shall consist of five members, none of whom shall hold elective or appointive positions within the City of Grand Junction, except that one may be a member of the Planning Commission. All members of the Board shall be residents of the City and shall pay taxes on real property located within the City. The City Manager and/or his appointed representative shall serve as advisors to the Board.

b. Tenure: Members of the Board shall serve three years from the date of appointment, except that the term of one of the appointees first appointed under this ordinance shall be for one year, two of the appointees first appointed under this ordinance shall be for two years and two appointees shall be for three years.

c. Vacancies: Appointments to fill all vacancies on the commission shall be made by the City Council. If a Board member ceases to reside in the City his membership on the Board shall immediately terminate.

d. Removal: Members of the Board may be removed after public hearing, by the City Council, for inefficiency, neglect of duty or malfeasance in office. The City Council shall make public a written statement of reasons for such removal prior to said public hearing.

e. Meetings: Public meetings of the Board shall be regularly scheduled at least once each three months. Special meetings may be held as provided by rules of procedure adopted by the Board. The presence of three voting members is necessary to constitute a quorum.

f. Compensation: All members of the Board shall serve as such without compensation. Actual expenses incurred in performing duties as members of the Board may be compensated.

g. Record: The Board shall keep a written record of all of its proceedings showing the action of the Board and the vote of each member upon each and every question considered.

h. Authority: The Board is hereby authorized:

(1) To hear and decide appeals from orders, requirements, decisions, or determinations by the building inspector or any other zoning enforcement officer.

(2) To reverse or affirm any order, requirement, decision or determination appealed from, but only in variances relating to construction, location on the lot or alteration of buildings or structures in such a way that the intent of the ordinance is observed and the public safety and welfare is secured and substantial justice done.

(3) To interpret the provisions of this ordinance in keeping with its intent and when deemed necessary by the Board to submit reports to the City Planning and Zoning Commission suggesting amendments to the ordinance to clarify the intent and purpose of any section, article or paragraph on which the Board has occasion to rule.

(4) To hear and decide all other matters referred to it by other provisions of this zoning ordinance or other ordinances of the City which specifically refer matters to the Board.

i. Appeals:

(1) Time . . . Appeal to the Board must be taken within thirty days by any person, firm or corporation aggrieved or by any officer, department, board, or bureau of the City of Grand Junction affected by any decision made pursuant to this ordinance or other ordinances of the City which specifically refer matters to the Board.

(2) Notice . . . Notice of such appeal shall be filed with the officer from whom the appeal is taken, and such officer shall transmit said appeal to the chairman of the Board along with all

papers constituting the record upon which the action appealed from was taken.

(3) Hearing . . . Upon receiving notice of an appeal the chairman of the Board shall schedule a public hearing for which public notice must be given to be held at the next regularly scheduled meeting of the Board or at a special meeting as provided by the rules procedure of the Board.

(4) Stay of Proceedings . . . An appeal stays all proceedings and furtherance of the action appealed from unless the officer from whom the appeal is taken certifies to the Board of Adjustment that a stay, in his opinion, would cause imminent peril to life or property. Such certification shall be made after notice of appeal has been filed and shall contain the facts leading to the opinion of the officer from whom the appeal is taken. Upon filing of such a certificate proceedings shall not be stayed unless such stay is granted by the Board of Adjustment or by a court of record on application, and then only after notice to the officer from whom the appeal is taken.

(5) Validity limit . . . Rights and privileges established by the granting of an adjustment or variance must be exercised within one year after the date of such granting unless a different time limit is specified by the Board at the time of the granting of the adjustment or variance. Failure to exercise such adjustment or variance within the time limits specified shall cause such adjustment or variance to become null and void and the property affected shall thereafter be subject to all the regulations applicable to the previous condition and situation of such property.

j. Variances: In considering applications or appeals for variances the Board shall be governed by the following criteria:

(1) That the variance would not be out of harmony with the intent and purpose of this or any other ordinance.

(2) That the variance would not injure the land value of, use of, or prevent the access of light and air to the adjacent properties or to the area in general or would not be detrimental to the health, safety and welfare of the public.

(3) That the circumstances found to constitute a hardship:

(a) Were not created by the appellant.

(b) Are not due to or the result of general conditions in the district.

(c) Cannot be practically corrected.

(4) The variance would not authorize anything that is inconsistent with the general nature and intent of the applicable zone district or fire district.

(5) An unnecessary hardship to the owner could be shown to exist if the provisions of the ordinances were to be literally followed.

k. Fees and Expenses: All requests for variances or appeals from rulings or actions of any administrative official except those initiated by any elected or appointed body of the City or by administrative officials in connection with the performance of their duties shall be accompanied by a fee of \$5.00 which shall be used to defray the expenses of posting and advertising such appeal or request for variance.

Section 10. AMENDMENTS

a. Requirements for Change: Whenever the public necessity, safety, general welfare or good zoning practice justifies such action, and after consideration and recommendation by the City Planning Commission as provided herein, the City Council may change zone district boundaries, use groups or the regulations established by this ordinance after public hearing for which public notice is given as provided herein.

b. Initiation of Change: A proposed change of zone district boundaries or regulations may be initiated by the City Council, City Planning Commission, or by application of one or more of the owners of property within the area requested to be changed.

c. Consideration: Every three months the City Planning Commission will set a public hearing to consider requested changes or amendments to the zoning ordinance or zoning map pursuant to the provisions of this section. Public notice for this meeting and changes to be considered shall be given as provided elsewhere in this ordinance. The rezoning process as specified herein for newly-annexed areas or amendments to the text proposed by the City itself may be undertaken at any time.

d. Area Required: Changes requested in the zoning map involving any zone district except the B-2 and P zone districts require a minimum of four acres in area for consideration. If the area requested for rezoning abuts an existing zone district of the same general classification as that being requested on all or part of one side such area requires a minimum of two acres. (The general classifications are: R-1, R-2, R-3, B or C, and I). If an area requested for a change of zoning abuts a similar classification as

that being requested on all or part of two sides, such area requires a minimum of one acre for consideration.

e. Survey Required: All requests for changes in the zoning map involving a change from a residential classification to a business or commercial classification shall be accompanied by a bona fide economic justification study analyzing the need for such additional zone district area. Such studies shall present specific data on all of the following points:

- (1) Determination of Trade Area.
- (2) Determination of trade area population, present and future.
- (3) Determination of effective buying power in trade area.
- (4) Determination of net potential customer buying power for proposed uses.
- (5) Determination of justified size and practicality of stores.
- (6) A site plan showing proposed structures, uses, open spaces, facilities for parking and loading, and arrangements for pedestrian and vehicular circulation.
- (7) A proposed time schedule for beginning and completion of development.
- (8) A statement indicating the applicant's economic responsibility and capability of accomplishing the development for which the zoning amendment is requested.

f. Fees and Expenses: All requests for changes in the zoning ordinance or map, except those initiated by the City Council or City Planning Commission, shall be accompanied by a deposit of \$100.00, \$50.00 of which shall be used to defray the expenses of administrative preparation for consideration of the request and \$50.00 to be used to defray the legal and publication expenses of passing an amending ordinance, if such is granted. If upon consideration and hearing, the request is denied, the applicant shall be entitled to a reimbursement of \$50.00.

g. Mandatory Review: During the first 30 days following the one year anniversary of the effective date of an ordinance changing the zoning map by rezoning a residential area to a business or commercial use, the Planning Commission shall review the proposed development of the subject area to determine whether such development is being undertaken according to the study as required by paragraph (e) above. If such development is not underway in keeping with said proposals, the Planning Commission shall

initiate action to rezone the subject area back to such classification as it was prior to the change in zoning.

h. Hearing and Recommendation: The Planning Commission may recommend approval or disapproval of a requested change, either in whole or in part. Recommendations for changes shall be presented to the City Council and an ordinance embodying such changes in whole or in part may be adopted by the City Council after public hearing thereon. In the event of adoption by the City Council of such changes in part, if such partial adoption has not been recommended as such by the Planning Commission, a favorable vote of at least five members of the entire membership of the City Council shall be necessary.

i. Overriding Vote: In the event the City Planning Commission recommends against a change in the ordinance or map, either in whole or in part, a report thereof and report of the Commission, may appeal to the City Council, and the City Council shall thereupon review the recommendation and report of the City Planning Commission. On such appeal the Council may, after public hearing for which the public notice is given, make such change in the zoning ordinance or map but only by a favorable vote of at least five members of its entire membership.

j. Protest Against Change: In case of a protest against any changes in the ordinance or map signed by owners of 20% or more of the area included in such proposed change, or of those immediately adjacent to the front, side or rear thereof extending 100 feet therefrom or of those directly opposite thereto extending 100 feet from the street frontage of such opposite lots, such amendment shall not become effective except by the favorable vote of at least six of the members of the City Council.

Section 11. DEFINITIONS AND LIMITATIONS

a. General: When not inconsistent with the content, words used in the present tense includes the future; words in the singular number include the plural number; and the masculine includes the feminine.

b. Terms and Words: For the purpose of this ordinance certain terms and words are hereby defined as follows:

Accessory Building . . . A detached subordinate building, the use of which is customarily incidental to that of the main building or to the main use of the land and which is located on the same lot with the main building or use. Such a building does not include dwellings or living quarters.

Accessory Use . . . A use naturally and normally incidental to, subordinate to, and devoted exclusively to the main use of the premises.

Alley . . . A minor public thoroughfare upon which the rear of building lots generally abut, used for service purposes and not intended for general travel.

Area, Minimum Lot . . . The total area within the property lines of the lot, excluding adjacent streets except as otherwise provided.

Auto Repair Shop . . . A shop or place of business for repair and maintenance of automobiles, trucks, and other automotive equipment. All automotive equipment on the premises must carry a valid title and show a work order. Automotive equipment for which the shop operator holds no title or valid work order shall be classified as salvage and junk and may not be kept, stored or worked on in an auto repair shop.

Board . . . The Board of Adjustment & Appeals.

Boarding and Rooming House . . . A building containing a single dwelling unit and three (3) or more beds in guest rooms where lodging is provided, with or without meals, for compensation. "Compensation" may include, money, services or other things of value.

Building . . . Any permanent structure built for the shelter or enclosure of persons, animals, chattels or property of any kind and not including advertising sign boards or fences.

Building Height . . . The vertical distance from the "Grade" to the highest point of the roof surface.

Building, Principal . . . A building in which is conducted the main or principal use of the lot on which said building is situated, and including areas such as garages, carports, storage shed, etc. which are attached to and architecturally integrated with the principal building.

Carport . . . A form of private garage providing space for housing or storage of one or more automobiles and enclosed on not more than two (2) sides by walls. The dimensions determining the overall size of the carport shall be measured from the extreme edge of any part of the building.

Center Line . . . The true center line of a street which has been fully dedicated to its required width according to the Master Street Plan. Where all of the required width of public right-of-

way has not been dedicated or such public right-of-way exists in an offset or angular manner the City Engineer shall determine the alignment of the center line.

Commission . . . City Planning and Zoning Commission.

Conditional Use . . . A use which requires action by the Board after a public hearing for which public notice is required. The decision of the Board shall be made after considering the following factors:

1. Apparent community need for the use.
2. Suitability of location for the use.
3. Property values of surrounding area.
4. Plan of development of use.

Any use existing on the effective date of this ordinance which is a conditional use in the zone district where it is located shall be considered a "use by right" and not a non-conforming use and need not be approved by the Board.

Dwelling . . . A building or portion thereof used exclusively for permanent residential occupancy, including one (1) family, two (2) family and multi-family structures. The word "dwellings" shall not include boarding, rooming or lodging houses, tents, mobile homes, trailer coaches, motels, motor courts, motor lodges, cottage camps or other structures designed or used primarily for transient residents.

Dwelling, One-Family . . . A detached building, arranged, designed for, and intended to be occupied by not more than one (1) family, and which building has not more than one (1) kitchen and not less than (1) bathroom.

Dwelling, Two-Family . . . A building arranged, designed for, and intended to be occupied by two to four families living independently of each other, and which building has separate kitchen and bathroom for each family unit. Each such apartment shall be a complete dwelling unit.

Dwelling, Multi-Family . . . A building arranged, designed for and intended to be occupied by five or more families living independently of each other in separate apartments. Each apartment shall be a complete dwelling unit. The term "multi-family dwelling" shall include "apartment houses", "terraces", "Apartment hotels", "apartment court", "bungalow courts", "row houses", and "tenant houses".

Dwelling Unit . . . One or more rooms and a single kitchen and at least one bathroom, designed as a unit for occupancy by one (1) family, for living and sleeping purposes, located in one (1) family, two (2) family and multi-family dwellings.

Family . . . A family is any number of persons living and cooking together on the premises as a single dwelling unit, but it shall not include a group of more than three individuals not related by blood, marriage or adoption.

Fence . . . An enclosing barrier of man-made construction regardless of the material used and including walls and retaining walls.

Floor Area . . . The primary use area of a building including both floors of a two-story house and all levels of a tri-level house, but not including attached garages, cellars or basements whether finished or unfinished.

Garage, Private . . . A building or part thereof, attached or detached and accessory to the principal building on the lot for the storage of motor vehicles and in which no business is conducted.

Garage, Public . . . A garage other than a private garage, used for the housing of motor vehicles or where any such vehicles are stored or kept for remuneration, hire or sale. Such garage shall not be considered an "Auto Repair Shop".

Grade . . . Grade (ground level) is the average of the finished ground level at the center of all walls of a building. In case walls are within 25 feet of a public curb, said ground level shall be measured from the top of the curb.

Higher Use . . . The term is used in application to a change of use from a use which was non-conforming in the zoning district in which such use was located and is defined as a use which, upon such change, more nearly approaches the uses permitted in the zoning district in which the non-conforming use existed.

Home Occupation . . . Any use for gain or support customarily found within a dwelling and carried on by the occupants thereof. Such use must meet all of the following conditions:

1. Must be clearly secondary to the primary use of the building as a dwelling.
2. No article may be sold or offered for sale for delivery on the premises.

3. It is operated in its entirety within the dwelling unit.
4. No person other than those who reside within the dwelling unit may be employed in such occupation.
5. There is no advertising except as provided within each specific zone.
6. No additions to or alterations of the exterior of the dwelling unit including outside entrances for the purpose of the home occupation shall be permitted.
7. The office or business does not utilize more than 25% of the gross floor area of the dwelling unit, and in any case not more than 400 sq. ft., provided however, that this does not apply to nursery schools.
8. The houses of such uses and the external effects must not interfere with the peace, quiet and dignity of the neighborhood and adjoining properties.
9. Occupations specifically prohibited include barbers, hairdressers, cosmetologists or beauticians and the treatment or hospitalization of animals.

Hotel . . . A building occupied primarily on a transient basis as the abiding place of individuals who are lodged with or without meals for compensation and in which no provision is made for cooking in any guest room.

Junk Yard . . . Any lot, land or area used for the storage keeping, sale, or abandonment of junk, including scrap metals or other scrap material, or for the dismantling, demolition or abandonment of automobiles, or other machinery or parts thereof. The term "Junk Yard" shall include "wrecking yards" and "salvage yards".

Kennel . . . Any lot or premises on which four or more domestic animals or pets at least four months of age are harbored in a confined space.

Kindergarten . . . A training program for pre-school education and training of children of ages five or six conducted by a person qualified as required by the State of Colorado Standards for Child Care and usually conducted in half day sessions.

Lot . . . A piece, plot or parcel of land, or assemblage of contiguous parcels of land, as established by survey, plat or deed, occupied or to be occupied by a building, or a unit group of

buildings, and accessory buildings thereto, together with such open spaces as are required under this ordinance and having its frontage on a dedicated public street.

Lot Area . . . The area of land enclosed within the boundaries of the lot.

Lot Coverage . . . That area of the lot which may be occupied by buildings.

Lot, Reversed Corner . . . A plotted corner lot having its side street line substantially a continuation of the front lot line of the first lot to its rear.

Lot Width . . . The shortest distance measured between side lot lines through that part of the building or structures where the lot is narrowest.

Lot Street Frontage . . . The distance along the front lot line measured between side lot lines.

Lot Line, Front . . . The property line dividing a lot from a street. On a corner lot only one street line shall be considered as a front line and the shorter street frontage shall be considered the front line.

Lot Line, Rear . . . The line opposite the front lot line.

Lot Line, Side . . . Any lot lines other than front lot lines or rear lot lines.

Machine Shop . . . A building containing machinery for the manufacture modification or repair of metal goods and automotive equipment. Such use must be conducted entirely inside a building and does not include the dismantling of automotive vehicles.

Mobile Home Park (Trailer Court) . . . Any premises where one (1) or more trailer coaches or mobile homes are parked for living or sleeping purposes, or any premises used or set apart for supplying to the public, parking space for one (1) or more trailer coaches or mobile homes for living or sleeping purposes, and which include any buildings, structures, vehicles or enclosure used or intended for use as a part of the equipment of such trailer court or camp or mobile home park.

Modified Residential Use . . . A residential use lawfully occupying a building in an "R" residential zone district in which said use is not a permitted or conditional use at the time this ordinance or a pertinent amendment thereto is adopted.

Non-Conforming Use . . . A use lawfully occupying a building or land at the time this ordinance is adopted which does not conform with the use regulations of the zone in which it is located but not including residential uses located in "R" residential zone districts in which they are not permitted or conditional uses. If an amendment to this ordinance renders a use non-conforming, such status shall date from the effective date of the amendment. Any use which was illegal under former zoning regulations of the City shall not be considered a "non-conforming use" but remains an illegal use which shall be abated as provided herein. Any use existing on the effective date of this ordinance which is a conditional use in the zone district where it is located shall be considered a "use by right" and not a non-conforming use and need not be approved by the Board. (See "Modified Residential Use" and "Pre-Regulation Buildings").

Nursing Home . . . A health or domiciliary establishment which maintains and operates continuous day and night facilities providing room and board, personal services, and nursing care for compensation for two or more persons not related to the proprietor who by reason of illness or physical infirmity, are unable to properly care for themselves. Establishments which provide care for alcoholics, drug addicts, persons with mental diseases, and persons with communicable diseases shall not be included in this definition.

Pre-Regulation Buildings . . . A building or structure or portion thereof lawfully existing at the time of the adoption of this ordinance which does not conform with the height, yard, lot coverage or area regulations of the zone in which it is located. If an amendment to this ordinance renders a building non-conforming, such status shall date from the effective date of the amendment. Such status is for classification only and does not jeopardize the continued use or improvement of such building in accordance with this or other city ordinances.

Pharmacy . . . A building or a part of a building used for the dispensing of medicines or medical supplies only.

Principal Building or Use . . . The main or primary purpose for which a building or parcel of land or use thereof is designed, arranged or intended, or for which it may be occupied or maintained under this ordinance.

Public Notice . . . Notice to the public of an official hearing by the City Council, Planning and Zoning Commission or Board of Adjustment and Appeals. Such notice must be published one time in the official newspaper of the City at least fifteen (15) days before such hearing. Notice must also be posted on the premises subject to change for fifteen consecutive days prior to the

hearing. Such posting shall consist of at least one sign, eight (8) sq. ft. in area posted in a conspicuous place and in printed letters of a size easily readable from a distance of 50 feet. Said newspaper and sign publication must state the type, time, date and location of such public hearing.

Public Right-of-Way . . . All streets, roadways, sidewalks, alleys, and all other areas reserved for present or future use by the public, as a matter of right, for the purpose of vehicular or pedestrian travel or utility installation.

Public Water and Public Sewer Facilities . . . Those facilities of a municipality, water or sanitation district approved by the County Health Department and the State Department of Health for general public use.

Setback . . . The distance extending across the full width of the lot between the center line of the adjoining street and the nearest line or point of the building. In no case shall the distance from the front lot line as required by the setback exceed one-third the average depth of the lot.

Sign . . . Any words, lettering, figures, numerals, phrases, sentences, devices, designs, pictures, or trade marks by which anything is made known, such as are used to designate a firm, an association, a corporation, a business, a service or a commodity or product, or any type of publicity or propaganda, whether placed on natural objects or on a building, fence or other man-made structure, which are visible from any public street, or public road right-of-ways. Signs legible from two opposite directions shall be considered two signs for area but not for permit purposes.

Street . . . Any public or private thoroughfare which affords the principal means of access to abutting property, and including such terms as "public right-of-way", "highway", "road" and "avenue".

Streets, Collector . . . Existing or proposed streets within the present or future City limits designed and located to collect traffic from residential or business areas and facilitate its connection with major or secondary streets. Such streets may or may not be "through streets" and are more fully described as follows:

1. Bookcliff Ave. - 7th St. to 12th St.
2. Orchard Ave. - East City limits to West City limits.
3. Elm Ave. - 7th St. to East City limits.

4. Gunnison Ave. - 1st St. to 28 Rd.
5. Grand Ave. - 12th St. East to HW #6.
6. Rood Ave. - 1st St. to 7th St.
7. Colorado Ave. - 1st St. to 7th St.
8. 5th St. - North Ave. to Walnut Ave.
9. Cannell - North Ave. to Orchard Ave.
10. 15th St. - North Ave. to Orchard Ave.
11. 19th St. - North Ave. to Orchard Ave.
12. 23rd St. - North Ave. to Orchard Ave.
13. Independent - 1st St. to West City limits.
14. 28 1/4 Rd - Orchard Ave. to Freeway

Streets, Major . . . Existing or proposed streets or highways within the present or future City limits designed and located as arterial streets to carry a large volume of fast-moving traffic and which connect Grand Junction with other areas of traffic. Such streets may or may not be designated as interstate, state or county highways but in all cases shall be "through streets" and are more fully described as follows:

1. North Ave. East City limits to West City limits.
2. Grand Ave. - 1st St. West to City limits.
3. Ute - 1st St. to 15th St.
4. Pitkin Ave. - 1st St. East to HW #6.
5. HW #6 from Junction with Ute Ave. to East City limits.
6. HW #6 from 1st St. & Grand Ave. Northwest to City limits.
7. 1st St. - Pitkin Ave. to Grand Ave.
8. 5th St. - Ute Ave. to South City limits.

Streets, Secondary . . . Existing or proposed streets within the present or future City limits designed and located as arterial streets to facilitate traffic circulation within the City by providing direct access between residential areas and business

centers and major streets and highways. Such streets shall in all cases be "through streets" and are more fully described as follows:

1. Patterson Road - East City limits - West City limits.
2. Grand Ave. - 1st St. to 12th St.
3. Main Street - 1st St. East to HW #6-50.
4. 1st Ave. from 9th St. to 12th St.
5. 1st St. - Grand Ave. to North City limits.
6. 5th St. from Ute Ave. to North Ave.
7. 7th St. North City limits to South City limits.
8. 9th St. Ute South to City limits.
9. 12th St. - Pitkin Ave. to North City limits.
10. 28 Road - North City limits - South City limits.
11. 28 1/2 Road - North City limits - South City limits.

Streets, Through . . . Every street or portion thereof at the entrances of which vehicular traffic from intersecting streets is required by law to stop before entering or crossing same and where stop signs or traffic signal devices are erected giving notice thereof.

Structure . . . Anything constructed or erected, which requires location on the ground or attached to something having a location on the ground, but not including fences or walls used as fences less than six (6) feet in height, poles, lines, cables, or other transmission or distribution facilities of public utilities.

Subdivided Land . . . Land located within a subdivision approved by the Grand Junction City Council or the County Commissioners of Mesa County, and recorded in the office of the Mesa County Clerk and Recorder.

Tourist Home . . . A building in which more than one (1) but not more than five (5) guest rooms are used to provide or offer overnight accommodations for transient guests for compensation.

Yard . . . A yard is an existing or required open space on the same lot with a principal building, open, unoccupied and

unobstructed from the ground to the sky, except as otherwise provided herein.

Yard, Front . . . A yard extending across the full width of the lot between the front lot line and the nearest line or point for buildings as required by setback requirements.

Yard, Rear . . . A yard extending across the full width of the lot between the rear lot line and the nearest line or point of the principal building.

Yard, Side . . . A yard extending from the front lot line to the rear lot line, between the side lot line and the nearest line of point of a principal building or accessory building.

Section 12. VIOLATIONS AND PENALTIES

a. Violations: It shall be unlawful to erect, construct, reconstruct, alter, maintain or use any building or structure or to use any land in violation of any provisions of this ordinance or any amendment thereof. Any person, firm or corporation, either as owner, lessee, occupant or otherwise, who violates any of the provisions of this ordinance or any amendment thereof or who interferes in any manner with any person in the performance of a right or duty granted or imposed upon him by the provisions of this ordinance shall be guilty of a violation of this ordinance.

b. Penalties:

(1) Any person, firm or corporation upon conviction of a violation of this ordinance shall be fined not less than \$10.00 nor more than \$300.00 for each offense. Each day that a violation exists shall constitute a separate offense.

(2) The City may, at its discretion, proceed against any violation or violator of this ordinance by abatement, injunction or other civil action, which remedies shall be cumulative to the penalties in Section 12, b. (1) above.

Section 13. LEGAL STATUS PROVISIONS

a. Separability Clause: If any article, section, sub-section, sentence, clause, or phrase of this ordinance is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council of Grand Junction hereby declares that it would have phrased this ordinance and each article, section, sub-section, sentence, clause or phrase hereof irrespective of the fact that any one or more of the articles, sections, sub-sections, sentences, clauses and phrases be declared unconstitutional.

b. Scope: This ordinance relates to zoning, and does not repeal, abrogate, annul or in any way impair or interfere with existing provisions of other laws or ordinances except those repealed hereinbelow. Where this ordinance imposes a greater restriction upon land, buildings or structures than imposed or required by such existing provisions of law or ordinance, the provisions of this ordinance shall control.

c. Repealing Clause: Chapters 83 and 88 of the 1953 Compiled Ordinances of the City of Grand Junction and all amendments thereto are hereby repealed.

All other ordinances or parts of ordinances in conflict with the provisions of this ordinance are likewise hereby repealed.

d. Effective Date: In accordance with the provisions of the City Charter of the City of Grand Junction the effective date of this ordinance is the 6th day of February 1961.

Passed and adopted this 4th day of January 1961.

Charles E. McCormick

President of the City Council

Attest

Helen C. Tomlinson

City Clerk

NOTICE OF PUBLICATION

Notice is hereby given that an ordinance entitled:

AN ORDINANCE ESTABLISHING LAND USE ZONING IN THE CITY OF GRAND JUNCTION, COLORADO, FOR THE PURPOSE OF PROMOTING THE PUBLIC HEALTH, SAFETY, AND GENERAL WELFARE OF THE COMMUNITY, REGULATING AND RESTRICTING THE USE OF LAND, THE USE AND LOCATIONS OF BUILDINGS, SIGNS, FENCES, AND STRUCTURES; THE SIZE, HEIGHT, AND BULK OF BUILDINGS, SIGNS, FENCES, AND STRUCTURES; GOVERNING THE AREA OF YARDS, COURTS AND PLACES SURROUNDING BUILDINGS AND STRUCTURES; CONTROLLING THE DENSITY OF POPULATION; DIVIDING THE ZONED AREA INTO DISTRICTS FOR ZONING PURPOSES; ADOPTING A MAP OF SAID AREA AND ZONING DISTRICTS THEREIN, SHOWING BOUNDARIES AND THE CLASSIFICATION OF SUCH DISTRICTS; CREATING AND ESTABLISHING FIRE ZONES; REORGANIZING THE PLANNING AND ZONING COMMISSION AND ESTABLISHING A BOARD OF ADJUSTMENT AND APPEALS; PROVIDING FOR THE ADMINISTRATION, ENFORCEMENT AND AMENDMENT OF SAID ZONING

PROVISIONS; DEFINING CERTAIN TERMS USED HEREIN; PRESCRIBING PENALTIES FOR THE VIOLATION OF ITS PROVISIONS; AND REPEALING ALL ORDINANCES IN CONFLICT HEREWITH.

was finally passed by the City Council of the City of Grand Junction on the 4th day of January, 1961, and in accordance with the charter of the City of Grand Junction, the same is being published in book or pamphlet form, which books or pamphlets are available for public inspection in the City Hall in the City of Grand Junction, Colorado.

IN WITNESS WHEREOF, I Have hereunto set my hand and affixed the official seal of said City, this 5th day of January, 1961.

Helen C. Tomlinson

City Clerk

Published 1-6-61