

ORDINANCE NO. 1201

AN ORDINANCE AMENDING SECTION 7. g. CONCERNING THE EXTENSION OF NON-CONFORMING USES, AND SECTION 7. h., CONCERNING THE CESSATION OF NON-CONFORMING SIGNS, BOTH SECTIONS BEING A PART OF THE ZONING ORDINANCE OF THE CITY OF GRAND JUNCTION, WHICH IS CHAPTER 83 OF THE 1953 COMPILED ORDINANCES OF THE CITY OF GRAND JUNCTION, COLORADO.

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

Section 1. That Section 7. g. of Chapter 83 of the 1953 Compiled Ordinances of the City of Grand Junction be amended to read as follows:

Section 7. Non-conforming Uses.

g. Extensions: A non-conforming use as it existed on the effective date of the City Zoning Ordinance (February 6, 1961) shall not be extended in scope or area except to provide private garages or sanitary facilities for residential uses and except as follows:

(1) When the non-conforming use was a business use legal under city, county or district zoning regulations prior to the adoption of the said zoning ordinance or prior to the time the land on which the business is situated came into the City, the following may be permitted:

(a) Structural expansion of buildings housing the non-conforming use and additional structures to permit an expanded use may be allowed.

(b) An expansion of land area, not to exceed 100% of the area made non-conforming by the above actions, may be allowed. Any part of such expanded land area which exceeds 50% of such original site must be used to provide off-street parking.

(2) Application for either of the above expansions shall be submitted to the City Development Department in writing with a plan of development, a map of the area involved, a statement of the need for such expansion and a \$10.00 fee to cover the cost of mailing notices. The applicant shall furnish proof of control (ownership or option to buy) of all the land included in the development plans.

(3) Upon receipt of the application, the Development Department shall notify the owners of all property, any part of which is within 100 feet of the total tract proposed for the expanded use, of such proposed changes by certified mail giving details of expansion plans and stating that written protests may be made within 15 days of receipt of the notice. Public rights-of-way (alleys and streets) shall be excluded in determining the above distance for purposes of notice. If protests are received from owners of more than 35% of the area within the 100 foot limit, a public hearing shall be held by the Board of Adjustment and Appeals. Public notice of this hearing shall be given. The Board of Adjustment and Appeals shall, at this hearing, make a determination to grant or deny the requested expansion, basing its decision on the four factors governing Conditional Uses as listed in Section 11. b. of the Zoning Ordinance.

Section 2. That Section 7. h. of Chapter 83 of the 1953 Compiled Ordinances of the City of Grand Junction be amended to read as follows:

Section 7. Non-conforming Uses

h. Cessation: Non-conforming 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 operable 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 of the City Zoning Ordinance (February 6, 1961) except as shown in sub-paragraph (1) below. Residential uses in "I-2" industrial zone districts and industrial uses in all "R-1" residential zone districts must be discontinued within 20 years after the effective date of the City Zoning Ordinance (February 6, 1961).

(1) Signs, with the exception of any unauthorized signs located in the public right-of-way, which are non-conforming because of location or because of height may remain in place unless declared hazardous to traffic by the City Traffic Engineer or Chief of Police under provisions of other applicable ordinances. Such signs may receive normal maintenance, such as repainting. If a change in designation of the business advertised occurs requiring re-wording of the sign or the sign is remodeled, it must at that time be made to conform with all regulations of the zone in which it is located.

PASSED AND ADOPTED this 16th day of September, 1964.

Charles E. McCormick\President of the City Council

ATTEST:

Helen C. Tomlinson\City Clerk

I HEREBY CERTIFY that the foregoing ordinance, being Ordinance No. 1201, was introduced, read and ordered published by the City Council of the City of Grand Junction, Colorado, at a regular meeting of said body held on the 2nd day of September, 1964, and that the same was published in The Daily Sentinel, a newspaper published and in general circulation in said City at least ten days before its final passage.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of said City, this 17th day of September, 1964.

Helen C. Tomlinson\City Clerk

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