

CITY OF GRAND JUNCTION, COLORADO

ORDINANCE NO. 4546

AN ORDINANCE AMENDING THE ZONING AND DEVELOPMENT CODE, GRAND JUNCTION MUNICIPAL CODE SECTIONS 21.01.030 (APPLICATION), 21.02.070(e) (CHANGE OF USE PERMIT), 21.04.010 (USE TABLE), 21.04.020 (USE CATEGORIES), AND 21.10.020 (TERMS DEFINED – CHANGE IN USE)

Recitals:

On April 5, 2010 the Grand Junction City Council adopted the updated 2010 Zoning and Development Code, codified as Title 21 of the Grand Junction Municipal Code of Ordinances.

These amendments to the Zoning and Development Code serve to maintain the effectiveness of the Code and eliminate confusion from potentially conflicting or ambiguous wording in the Code regarding classifying and changing land uses.

The amendments also restore language omitted from the 2010 Code which clearly states the general requirement that a review and approval from the Planning Division is required when a use of land is established or changed within the City.

The amendments will serve to clarify the requirements for all who read and apply the Code, promoting clarity of expectation and consistency in application of the Code's provisions to specific land use situations.

The amendments are consistent with the goals and policies of the Comprehensive Plan and implement the vision, goals and policies of the Comprehensive Plan.

After public notice and a public hearing as required by the Charter and Ordinances of the City, the Grand Junction Planning Commission recommended approval of the proposed amendments, finding that:

1. The proposed amendments are consistent with the goals and policies of the Comprehensive Plan.
2. The proposed amendments will help implement the vision, goals and policies of the Comprehensive Plan.

After public notice and a public hearing before the Grand Junction City Council, the City Council hereby finds and determines that the proposed amendments will implement the vision, goals and policies of the Comprehensive Plan and promote the health, safety and welfare of the community, and should be adopted.

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

Section 21.01.030 is amended as follows:

21.01.030 Application.

This code shall apply to all territory, uses and facilities within the City's limits, and to public and private lands, all uses thereon, and all structures and buildings over which the City has jurisdiction under the constitution and laws of the State of Colorado of the United States or pursuant to the City's powers. No person shall begin or change a land use or development in the City without first obtaining a permit or approval from the Director. Uses not allowed or permitted are prohibited (see Use Table, Section 21.04.010).

Section 21.02.070(e) is amended as follows:

(e) Change of Use Permit.

(1) **Applicability.** No person shall change the use of a structure or property unless and until the Director has issued a change of use permit. Other permits (such as a CUP), review (such as a major or minor site plan review) or approvals may also be required when use of a land or structure has changed; this subsection does not limit or supplant other requirements of the Code. A change from any use in the "Household living" use category to any other use requires, at a minimum, a minor site plan review. For a change of use within the same "principal use" listing in the Use Table, Section 21.04.010 (for example, a change from one General Retail Sales, Indoor Operations use to another General Retail Sales, Indoor Operations use, or a change from a "movie theater" to a "skating rink"), a change of use permit is not required unless:

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

Section 21.04.010 is amended as follows:

21.04.010 Use table.

(a) **Use Categories and Principal Uses.** The only uses allowed in any zone or district are those listed or described in the use table below. Uses are permitted subject to the requirements of the rest of the Code. The use categories listed in the first column are described in GJMC 21.04.020. The second column of the use table contains a listing of principal uses associated with the use category in the first column. Each listing in the "principal use" column of the table may include more than one principle use. (For example, "General Retail Sales, Outdoor Operations, Display or Storage" contains

several different retail uses, each of which may, for example, generate more traffic trips per day than another. Their inclusion in one listing means only that they are allowed in the same zone districts, but does not mean that they are treated identically with respect to other Code requirements.) The last column of the use table contains cross-references to use-specific standards or other Code provisions associated with the principal use(s).

(b) **Allowed Uses.** An “A” indicates the listed use is allowed by right within the respective zoning district. If compliance with all City, State and federal requirements are fully met, the Director may allow development, construction and/or use. The text for each zone, the balance of this code, applicable State and other City regulations and federal requirements supplement the Use Table and control if inconsistent or ambiguous. No person shall begin any use without a written approval of the Director.

(c) **Conditional Uses.** A “C” indicates the use is allowed within the respective zoning district only with a conditional use permit granted in accordance with the limitations, requirements and criteria of Section 21.02.110 and in accordance with the review procedures of GJMC 21.02.080. A conditional use is not a use by right; it is one that is prohibited within a given zone district unless a conditional use permit for the specific use has been granted. Conditional uses are subject to all other applicable standards of this code.

(d) **Prohibited Uses.** A blank space indicates the listed use is not allowed within the district, unless otherwise expressly allowed by another provision of this code.

(e) **Uses Not Mentioned.** No building, use or development permit shall be issued for a use not specifically mentioned or described in the use table. If a question or interpretation arises regarding where, how or whether a proposed use fits into the use table, the Director shall decide if a use not specifically mentioned can reasonably be interpreted to fit into a principle use category or a general use category where similar uses are described. The Director may ask the Planning Commission at a regularly scheduled meeting to ratify his decision.

All other parts of Section 21.04.010, including the entire zone/use table, shall remain in full force and effect.

Subsections 21.04.020(a)(2) and (3) are amended as follows:

21.04.020 Use categories.

(a) **General.**

(2) **Principal Use Characteristics.** Principal uses are assigned to the category that most closely describes the nature of the principal use. The characteristics

subsection of each use category describes the common characteristics of the associated principal uses.

(3) Considerations Used in Categorizing Uses. The following considerations shall be used to determine whether and where a use belongs in the use table and whether the activity is to be considered a principal or accessory use:

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

All other subsections of Section 21.04.020 shall remain in full force and effect.

Section 21.10.020 shall be amended as follows:

21.10.020 Terms defined

Change in use or change of use means a change from one principal use of a building or land to another principal use of the building or land.

All other definitions in Section 21.10.020 shall remain in full force and effect.

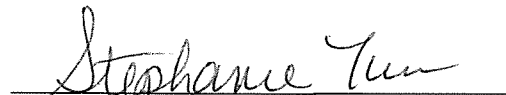
INTRODUCED on first reading the 20th day of June, 2012 and ordered published in pamphlet form.

PASSED and ADOPTED on second reading the 18th day of July, 2012 and ordered published in pamphlet form.

ATTEST:



President of the Council



City Clerk