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CITY of GRAND JUNCTION

ZONING AND DEVELOPMENT CODE

CITY PLANNING DEPARTMENT

250 N.5th St.

81501

GRAND JUNCTION
ZONING AND DEVELOPMENT
CODE

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GRAND JUNCTION ZONING AND DEVELOPMENT CODE

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**CHAPTER ONE
GENERAL PURPOSE**

1-1 TITLE

This regulation shall be known, cited, and pleaded as the City of Grand Junction Zoning and Development Code (hereinafter known as "the Code").

1-2 AUTHORITY

Grand Junction (hereinafter known as "City") is authorized by law to regulate zoning, planning, subdivision of land, and building by virtue of Section 30-28-101, et. seq., C.R.S. 1973; to regulate certain activities on, and uses of land by Section 29-20-101, et seq., C.R.S. 1973, as amended; to designate and administer areas and activities of state interest by Section 24-65.1-101, et seq., C.R.S. 1973, as amended; and to regulate planned unit development by Section 24-67-104 et seq., C.R.S. 1973; and to regulate in accordance with the Grand Junction City Charter. Should further authorizing legislation exist or be enacted, this Code is additionally deemed to be enacted pursuant thereto, except to the extent it may be inconsistent therewith. (See Section 1-3.) The City Planning Department (hereinafter known as "Department") of Grand Junction can be contacted for further information about the use of this Code. As this Code affects the rights of private ownership of land, it has been drawn with an understanding subject to these rights as stated in the Constitution of the United States, as interpreted by the Supreme Court of the United States, the Constitution of the State of Colorado as interpreted by the Supreme Court of the State of Colorado.

1-3 APPLICATION

This Code shall apply to all public and private lands situated within the City of Grand Junction over which the City has jurisdiction under the Constitutions and laws of the State of Colorado and of the United States.

In their interpretation and application, the provisions of this Code shall be regarded as the basic requirements for the protection of public health, safety, comfort, morals, convenience, prosperity and welfare. This Code shall be liberally interpreted in order to further its underlying purposes.

Whenever any provision of this Code or any provision of any other law, rule, contract, resolution or regulation of the City, County, State or Federal government contains certain standards covering the same subject matter, the more restrictive requirements or higher standards shall govern.

1-4 PURPOSE

To be able to respond to the demands of change rationally, uniformly and consistently in the City of Grand Junction to public officials, planning staff, developers and the general public needing a clear, orderly, efficient and integrated development Code for the City while promoting the health, safety and general welfare of the residents. While the great majority of situations which involve this Code should fall into easily identifiable processes and requirements, there has been an attempt to provide flexibility in dealing with a situation which may fall outside these normal processes and requirements.

The elements that make up this Code are interrelated and cannot be taken in isolation but must be taken within the context and intents of the entire Code.

1-5 SEPARABILITY

It is hereby declared to be the legislative intent of the City Council that the several provisions of this Code shall be severable in accordance with the provisions set forth below:

If any provision is declared invalid by a decision of any court of competent jurisdiction, it is hereby declared to be the legislative intent that:

- A. The effect of such decision shall be limited to that provision or provisions which are expressly stated in the decision to be invalid.
- B. Such decision shall not affect, impair or nullify this ordinance as a whole or any other part thereof, but the rest of this ordinance shall continue in full force and effect.

1-6 RULES OF CONSTRUCTION OF LANGUAGE

For the purpose of interpretation of this Code, the following rules of language shall apply:

- A. The particular controls the general.
- B. In case of difference of meaning or implication between the text of this Code and the captions for each section, the text shall control.
- C. The word "shall" is always mandatory. The words "may" and "will" are permissive and are at the discretion of the Governing Body.
- D. Words used in the present tense include the future, words in the singular include the plural, and words of one gender include all other genders, unless the context clearly indicates the contrary.
- E. All words, terms and phrases not otherwise defined herein shall be given their usual and customary meanings, unless the context clearly indicates a different meaning was intended.

1-7 PLANNING COMMISSION ESTABLISHED

- A. There is hereby created a Planning Commission for the City of Grand Junction. The Commission shall consist of seven members who shall be residents of the City. The Director of the Grand Junction Development Department and/or his appointed representatives shall serve as staff to the Commission.
- B. Members of the Commission shall serve four years from the date of appointment, except that the terms of two of the appointees first appointed shall be for two years.

- C. Appointments to fill 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 and an appointment made to fill out the unexpired term.
- D. Members of the Commission may be removed after public hearing by the City Council for inefficiency, neglect of duty, or malfeasance in office.
- E. Public hearings of the Commission shall be regularly scheduled at least once each month. Other meetings may be held as deemed necessary by the Commission under its adopted Bylaws.
- F. All members of the Commission shall serve without compensation except for such amounts determined appropriate by the City Council to offset expenses incurred in the performance of their duties.
- G. Except as otherwise provided by this Code, the Commission shall be governed by the provisions of Article 23, Title 31, Colorado Revised Statutes, 1973. The Commission and other City officials mentioned in said article shall have all the powers provided for in said article and be governed by the procedures therein set forth.

CHAPTER TWO
GUIDE TO THE USE OF THE CODE

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**CHAPTER TWO
GUIDE TO THE USE OF THE CODE**

2-1 REVIEW AND APPROVAL REQUIREMENTS

The policies and regulations in this Code apply to proposals concerning the use and development of land in the City. In using this Code, any person proposing a land use or development will need to know the answers to the following questions:

- A. Is the proposal one that requires a review and approval under this Code?
- B. If the proposal requires a review and approval, what is the required procedure?
- C. What are the standards for evaluating the application?

2-1-1 Examples of some of the types of development proposals which require review and approval are listed as follows:

- A. Rezoning (which includes the rezoning action occurring for a Planned Development)
- B. Special Use
- C. Conditional Use
- D. Subdivision of Any Parcel of Land
- E. The Plan of Development in Planned Developments
- F. Vacation of Public Right-of-Way or Easement
- G. Dedication of Public Right-of-Way
- H. Annexations

2-1-2 Examples of some of the types of construction proposals which require review and approval are listed as follows:

- A. Construction, alteration, demolition, erection or moving of any structure, mobile home, or sign including painting of signs on buildings, walls or fences.
- B. Construction, alteration or erection of any fence, wall or retaining wall.

2-2 GENERAL PROCEDURES FOR APPLICATIONS

2-2-1 The specific procedures followed in obtaining the various approvals differ. Proposals requiring a specific approval should review the appropriate section in this Code which deals with the procedures and requirements of that particular application. Generally, the procedures for all applications have three common elements: (1) submittal of application and appropriate information by a petitioner, (2) review of the submittal by appro-

priate agencies and boards, and (3) action to approve, approve with conditions, or deny the application. Submittal dates will be established by the requirements of the specific application. The major differences between the various applications are in time or processing, amount of required review, and amount of material and information required in submittal.

2-2-2 The following is a brief outline of the processes common for most permits, which is followed by staff, review agencies, Planning Commissions, and Governing Bodies:

A. STAFF

Staff will assist the general public in the interpretation and understanding of this Code. The staff will receive and process all required applications. Staff will review applications for adherence to the requirements, standards, and policies of this Code, and for conformance to the adopted plans and/or policies; staff may make recommendations in accordance with good planning and/or development practices.

B. REVIEW AGENCIES

The staff will forward copies of the applications to various agencies for their review of the material submitted. This review is informational and does not constitute approval or disapproval. These agencies may include, but are not limited to the following:

1. City Engineers
2. City Public Works Director or utility district
3. Public utilities such as Mountain Bell or Public Service
4. Special districts such as irrigation, drainage, or school district
5. Law enforcement agencies
6. Fire Departments or districts
7. Parks and Recreations Department
8. State or federal agencies (i.e. Bureau of Land Management, Colorado Geologic Survey)
9. Mesa County staffs, Planning Commission, or Board of Mesa County Commissioners. Such agencies will respond, in writing, to the requested review in the number of days indicated on the review form. Review agencies may request additional time for review if good cause is shown and if such request is made within the review time. The agencies' reviews will be advisory in character.

C. PLANNING COMMISSION

1. The City Planning Commission shall hold regularly scheduled public meetings/hearings to review and receive public input on those items required by this Code. Public hearings which consider rezones, conditional uses and PD zone plans are quasi-judicial in character. The Planning Commission members shall function as lay citizens representing the public interests of the City. The decision of the Planning Commission as to conditional uses, subdivisions, and the plans for planned developments shall be final unless appealed as set out in

Subsection 2 of this Section. On those items where they have jurisdiction, they shall make recommendations to the Governing Body to approve, approve with conditions, or deny applications. Planning Commission recommendations will be based on consideration of evidence presented including, but not limited to, the following:

- a. Conformance with this Code and adopted plans, standards and policies
 - b. Staff recommendations
 - c. Review agency input
 - d. Public input and testimony received at the hearing
 - e. Effects of the proposal on the neighborhood, area, and community at large.
2. Minutes shall be written and retained and shall record the evidence submitted within the hearing time allotted for the item being considered, a summary of the considerations and the action of the Planning Commission.
 3. Planning Commission decisions as to conditional uses, subdivisions and plans for planned developments may be appealed to the Governing Body by any person who is given standing by this Code. Appeal shall be made in writing to the Development Department of the City within three days after the decision of the Planning Commission is made. The matter shall then be placed on the agenda of the Governing Body to be determined in accordance with the provisions of Subsection D following.
 4. The Governing Body or any of its members may request that any item be forwarded to them for review and/or hearing. Such a request must be made within the limits of the appeal specified in paragraph 3. above or prior to the Planning Commission hearing.

D. GOVERNING BODY (GRAND JUNCTION CITY COUNCIL)

The Governing Body of the City shall hold regularly scheduled public meetings/hearings to act upon all items required by this Code. Public hearings which consider rezones, conditional uses and PD zone plans are quasi-judicial in character. The Governing Body shall make the final decision to approve, approve with conditions, or deny the application. Action on those items heard will be based on consideration of evidence presented including, but not limited to, the following:

1. Planning Commission recommendations
2. Conformance with this Code and adopted plans, standards and policies
3. Staff recommendations
4. Review agency input

5. Public input and testimony received at the hearing
 6. Effects of the proposal on the neighborhood, area, and community at large
- E. Applications shall be prepared in accordance with the specific procedures required by this Code as well as the general requirements which apply to all applications. The Policy chapter contains the general guidelines and policies which may affect all types of applications.
- F. Any questions concerning the use of this Code should be directed to the Department.
- G. APPLICATION FEE SCHEDULE
Fees shall be charged to offset the cost of processing, reviews, public notices, hearings, and record keeping. The various application fees are as follows:

1. Rezone	\$375
2. Conditional Use	\$420
3. Special Use	\$115
4. Minor Subdivision - Residential	\$225 base fee + \$5 per lot
Trade Zone	\$225 base fee + acreage fee
5. Major Subdivision - Preliminary Plan	\$315 base fee + acreage fee
6. Major Subdivision - Final Plat (Residential)	\$225 base fee + \$5 per lot
Trade Zone	\$225 base fee + acreage fee
7. Planned Development - Rezone and ODP	\$375
Rezone and Preliminary	\$500 + acreage fee
Rezone and Final	\$500 + acreage fee or \$5 per residential lot
Outline Development Plan Preliminary	\$185 \$315 + acreage fee
Final	\$225 + acreage fee or \$5 per residential lot

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|-----|---|--|
| 8. | Development in H.O. | \$420 |
| 9. | Vacation, Easement | \$200 |
| 10. | Vacation, Right-of-Way | \$425 |
| 11. | Floodplain Permit | \$100 |
| 12. | Variance | \$115 |
| 13. | Recording fees of the Mesa County Clerk and Recorder shall be paid by the applicant at the time of recording. | |
| 14. | Acreage Fees - | |
| | 5+ to 10 acres | \$125 |
| | 10+ to 15 acres | \$175 |
| | 15+ to 20 acres | \$225 |
| | 20+ to 50 acres | \$350 |
| | 50+ to 75 acres | \$500 |
| | 75+ to 100 acres | \$600 |
| | 100+ acres | \$50 for each 50 acre increment over 100 acres |
| 15. | Minor Changes | \$50 (This fee shall be paid upon determination that the change qualifies as a minor change and does not require processing through Planning Commission or City Council. This fee shall be paid each time a minor change approval is requested.) |
| 16. | Building, fence, and sign permits and clearances | Permit/clearance fees are variable depending on specific application. Consult staff for applicable amounts. |

CHAPTER THREE
GOALS, OBJECTIVES AND POLICIES

The City of Grand Junction has, through the comprehensive planning process, adopted various goals, objectives, policies and guidelines to assist the City in decision making, administering, and evaluating development applications, and interpreting the specific characteristics of a site, use, or project. The Grand Junction Zoning and Development Code has been formulated and amended in response to the directions established by these documents.

It is important to note that goals, objectives, policies and guidelines are informational in nature and represent only one of the many factors which must be considered in the decision making process. The Planning Commission and City Council shall determine the applicability of any goal, objective, policy or guideline to any specific development situation. Policy interpretation is an administrative process and does not require public notice as defined in this Code. However, in order to maintain consistency, interpretations should be placed on record at an official meeting of the Commission of Governing Body, either in conjunction with a motion on a development request or as a separate motion.

Adopted goals, objectives and policies may be found under separate cover as part of the Comprehensive Plan or other related documents or plans. The Department shall assist developers, citizens, or boards in the identification or application of applicable documents.

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**CHAPTER FOUR
ZONING**

4-1 GENERAL

4-1-1 PURPOSE - The incorporated areas of the City are zoned and divided into appropriate districts. The purpose of the establishment of these districts is:

- A. To encourage the most appropriate use of land throughout the City and to ensure a logical and orderly growth and development of the physical elements of the City.
- B. To prevent scattered, haphazard, suburban growth and guide orderly transition of urban areas.
- C. To conserve and enhance economic, social and aesthetic property values.
- D. To protect and maintain the integrity and character of established neighborhoods.
- E. To facilitate adequate provision for transportation, water sewerage, schools, parks and other public and commercial facilities and services.
- F. To promote the development of convenient and beneficial clusters of uses; including business and shopping facilities where satisfactory proof is made that the same are reasonably necessary and desirable for the public convenience and welfare.
- G. To provide for adequate light and clean air.
- H. To aid in preventing congestion of traffic in the streets and public ways of the City.
- I. To protect against and prevent unduly noisome and/or injurious substances, conditions and operations.
- J. To secure safety from fire, panic and other dangers.
- K. To promote the public health, safety and welfare in general.
- L. The existence of a specific zone district in a particular location shall not be considered acceptable criteria for expanding that district. Expansion of existing zone districts shall be evaluated only on the basis of the criteria specified in the rezoning section of this chapter.

4-1-2 SINGLE FAMILY RESIDENTIAL ZONES

- A. Only one principal structure shall be allowed per parcel of land.

4-1-3 MULTI-FAMILY RESIDENTIAL ZONES

- A. No minimum lot area is required in these zones.
- B. More than one principal structure may be allowed per parcel if the development proposal receives site plan approval (see 9-3-6). Multiple structures on single parcels shall be sited to facilitate future subdivision of the parcel.
- C. A parcel in these zones may be platted to permit the construction of attached townhouse or condominium units which may be under separate ownership.

4-1-4 TRADE ZONES

- A. More than one principal structure may be allowed per parcel if the development proposal receives site plan review approval (see 9-3-6). Multiple structures on single parcels shall be sited to facilitate future subdivision of the parcel.

4-1-5 SUBDIVISION

- A. The standards and requirements of Chapter Six (Subdivision) apply to the division of land in all zones.

4-2 ZONE DISTRICT BULK REQUIREMENTS

4-2-1 RSF-R (RESIDENTIAL SINGLE FAMILY - RURAL). This zone is intended to provide for low density rural and agricultural uses which are annexed into the City. It is anticipated, but not required, that RSF-R areas will eventually develop into urban densities and uses. This zone allows the continuation of agricultural and other rural uses until more intensive development is proposed. Densities in this zone shall not exceed two dwelling units per acre.

Bulk requirements are as follows:

- A. Minimum lot area 21,500 sq. ft.
- B. Minimum street frontage 55 feet
- C. Maximum height of structures 32 feet
- D. Minimum lot width (at structure site for principal structure) 100 feet
- E. Minimum side yard setback
 - Principal structure 15 feet
 - Accessory structure (on rear half of parcel).3 feet
- F. Minimum rear yard setback
 - Principal structure 50 feet
 - Accessory structure3 feet

- G. Minimum front yard setback (from centerline of right-of-way)
 - Principal arterial 75 feet
 - Minor arterial 75 feet
 - Collector 55 feet
 - Local 45 feet
- H. Maximum coverage of lot by structures 25%
- I. Maximum units per gross acre2
- J. Also see - General Regulations for regulations applicable in all Zone Districts, Definitions, and Use/Zone Matrix. It is recommended that specific application of these regulations be discussed with the staff.

4-2-2 RSF-4 (RESIDENTIAL SINGLE FAMILY - APPROXIMATELY FOUR UNITS PER ACRE). This zone is intended to provide for medium density single family development within urban areas. It may be considered a low density urban zone. Developments of this density should be provided with complete urban services and facilities.

Bulk Requirements are as follows:

- A. Minimum lot area 8,500 sq. ft.
- B. Minimum street frontage 20 feet
- C. Maximum height of structures 32 feet
- D. Minimum lot width (at structure site for principal structure) 75 feet
- E. Minimum side yard setback
 - Principal structure 7 feet
 - Accessory structures (on rear half of parcel) 3 feet
- F. Minimum rear yard setback
 - Principal structure 30 feet
 - Accessory structure 10 feet
- G. Minimum front yard setback (from centerline of right-of-way) (Also see 5-1-7)
 - Principal arterial 75 feet
 - Minor arterial 65 feet
 - Collector 50 feet
 - Local 45 feet
- H. Maximum coverage of lot by structures 35%
- I. Maximum units per gross acre4

J. Also see General Regulations for regulations applicable in all Zone Districts, Definitions and Use/Zone Matrix. It is recommended that specific application of these regulations be discussed with the staff.

4-2-3 RSF-5 (RESIDENTIAL SINGLE FAMILY - APPROXIMATELY FIVE UNITS PER ACRE.)
This zone is intended to provide for higher density single family development within urban areas. Development of this density should be provided with complete urban services and facilities.

Bulk requirements are as follows:

- A. Minimum lot area 6,500 sq. ft.
- B. Minimum street frontage 20 feet
- C. Maximum height of structures 32 feet
- D. Minimum lot width (at structure site for principal structure) 60 feet
- E. Minimum side yard setback
 - Principal structure 5 feet
 - Accessory structures (on rear 1/2 of parcel). 3 feet
- F. Minimum rear yard setback
 - Principal structure 25 feet
 - Accessory structures 10 feet
- G. Minimum front yard setback (from centerline of right-of-way)
(Also see 5-1-7)
 - Principal arterial. 75 feet
 - Minor arterial 65 feet
 - Collector 50 feet
 - Local 45 feet
- H. Maximum coverage of lot by structures 35%
- I. Maximum units per gross acre 5
- J. Also see General Regulations for regulations applicable in all Zone Districts, Definitions, and Use/Zone Matrix. It is recommended that specific application of these regulations be discussed with the staff.

4-2-4 RSF-8 (RESIDENTIAL SINGLE FAMILY - APPROXIMATELY EIGHT UNITS PER ACRE). This zone is intended to be a high density single family urban zone. The use of land structures is maximized. Common open areas are encouraged to provide functional and aesthetic relief. Development of this density should be provided with complete urban services and facilities.

Bulk requirements are as follows:

- A. Minimum lot area 4,000 sq. ft.
- B. Minimum street frontage 15 feet

- C. Maximum height of structures 32 feet
- D. Minimum lot width (at structure site for principal structure) 40 feet
- E. Minimum side yard setback
 - Principal structure5 feet
 - Accessory structures (on rear half of parcel)3 feet
- F. Minimum rear yard setback
 - Principal structure 15 feet
 - Accessory structures3 feet
- G. Minimum front yard setback (from centerline of right-of-way) (Also see 5-1-7)
 - Principal arterial 75 feet
 - Minor arterial 65 feet
 - Collector 50 feet
 - Local 45 feet
- H. Maximum coverage of lot by structures 45%
- I. Maximum units per gross acre8
- J. Also see General Regulations for regulations applicable in all Zone Districts, Definitions and Use/Zone Matrix. It is recommended that specific application of these regulations be discussed with the staff.

4-2-5 RMF-16 (RESIDENTIAL MULTI-FAMILY - APPROXIMATELY 16 UNITS PER ACRE). This zone is intended to provide for medium density multi-family developments. Areas in which this zone might be considered should be carefully reviewed for adequate services and facilities to accommodate the anticipated densities.

Bulk requirements are as follows:

No minimum lot area is required but developments must meet all bulk standards and may not exceed the per acre density indicated.

- A. Maximum height of structures 36 feet
- B. Minimum side yard setback
 - Principal structure 10 feet
 - Accessory structures (on rear half of parcel)3 feet
- C. Minimum rear yard setback
 - Principal structure 20 feet
 - Accessory structures 10 feet

- D. Minimum front yard setback (from centerline of right-of-way) (Also see 5-1-7)
 - Principal arterial 75 feet
 - Minor arterial 65 feet
 - Collector 50 feet
 - Local 45 feet
- E. Maximum coverage of lot by structures 50%
- F. Maximum units per gross acre 16
- G. A minimum of 10% of the land area shall be landscaped.
- H. Also see General Regulations for regulations applicable in all Zone Districts, Definitions and Use/Zone Matrix. It is recommended that specific application of these regulations be discussed with the staff.

4-2-6 RMF-32 (RESIDENTIAL MULTI-FAMILY - APPROXIMATELY THIRTY-TWO UNITS PER ACRE). This zone is intended to provide for high density multi-family developments. Areas in which this zone might be considered should be carefully reviewed for adequate services and facilities to accommodate the anticipated densities. Advantage should be taken of the increasing height allowances.

Bulk requirements are as follows:

No minimum lot area is required but developments must meet all bulk standards and may not exceed the per acre density indicated.

- A. Maximum height of structures 36 feet
- B. Minimum side yard setback
 - Principal structure 10 feet
 - Accessory structures (on rear half of parcel)3 feet
- C. Minimum rear yard setback
 - Principal structure 20 feet
 - Accessory structures 10 feet
- D. Minimum front yard setback (from centerline of right-of-way) (Also see 5-1-7)
 - Principal arterial 75 feet
 - Minor arterial 65 feet
 - Collector 50 feet
 - Local 45 feet
- E. Maximum coverage of lot by structures 60%
- F. Maximum units per gross acre 32
- G. A minimum of 20% of the land area shall be landscaped.
- H. Limitations - structures shall not exceed four dwelling units per structure.

I. Also see General Regulations for regulations applicable in all Zone Districts, Definitions and Use/Zone Matrix. It is recommended that specific application of these regulations be discussed with the staff.

4-2-7 RMF-64 (RESIDENTIAL MULTI-FAMILY APPROXIMATELY SIXTY-FOUR UNITS PER ACRE). This zone is intended to provide for high density multi-family developments. Areas in which this zone might be considered shall be carefully reviewed for adequate services and facilities to accommodate the anticipated densities.

Bulk requirements are as follows:

No minimum lot area is required but developments must meet all bulk standards and may not exceed the per acre density indicated.

- A. Maximum height of structures 36 feet
- B. Minimum side yard setback
 - Principal structure 10 feet
 - Accessory structures (on rear 1/2 of parcel)3 feet
- C. Minimum rear yard setback
 - Principal structure 20 feet
 - Accessory structures3 feet
- D. Minimum front yard setback (from centerline of right-of-way) (Also see 5-1-7)
 - Principal arterial 75 feet
 - Minor arterial 65 feet
 - Collector 50 feet
 - Local 45 feet
- E. Maximum coverage of lot by structures 60%
- F. Maximum units per gross acre 64
- G. A minimum of 15% of the land area shall be landscaped.
- H. Also see General Regulations for regulations applicable in all Zone Districts, Definitions and Use/Zone Matrix. It is recommended that specific application of these regulations be discussed with the staff.

4-2-8 B-1 (LIMITED BUSINESS) This zone is intended to be a transitional or buffer zone of light business uses between residential areas and heavier business uses. Development in this zone shall be compatible with existing land uses in the area. Development adjacent to residential neighborhoods should respect the scale and appearance of the neighborhood. Screening, landscaping or other features to assure compatibility may be required.

Bulk requirements are as follows:

- A. Maximum height of structures 40 feet

B. Minimum side and rear yard setback0 feet
(if abutting a residential zone or
existing residential use 10 feet

C. Minimum front yard setback (from centerline of
right-of-way) (Also see 5-1-7)
Principal arterial 65 feet
Minor arterial 55 feet
Collector 45 feet
Local 40 feet

D. Maximum coverage of lot by structures 60%

E. A minimum of 10% of the land area shall be landscaped.

F. Limitations

1. Business uses must be constructed and operated to not increase curb parking in front of abutting residential areas.
2. All business uses in this district shall cease operation and turn off illuminated signs daily at 11:00 p.m.
3. Service entrances and service yards shall be located only in the rear and side yard of the business use. Service yards shall be screened from adjacent residential zone or use 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.
4. Residential uses in the B-1 zone shall be limited to 16 units per acre.

G. Also see General Regulations for regulations applicable in all Zone Districts (for example, Parking and Loading Requirements and Sign Code), Definitions and Use/Zone Matrix.

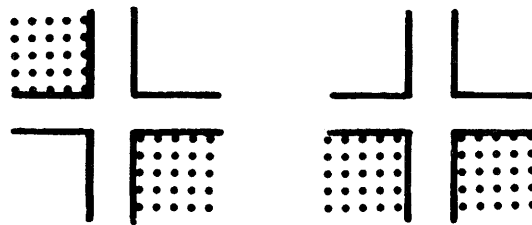
4-2-9 B-2 (NEIGHBORHOOD CONVENIENCE BUSINESS) This zone is intended to provide for light business uses in residential areas which have no nearby shopping facilities. The type of businesses operated in this zone shall be strictly neighborhood service-oriented to provide merchandise or services which are frequently needed in the home. The B-2 zone is not intended to provide major shopping or services facilities such as in a Neighborhood Shopping Node. Development in this zone shall be compatible in scale and appearance with the neighboring residential areas.

Bulk requirements are as follows:

A. Maximum height of structures 40 feet
B. Minimum side and rear yard setback0 feet
(if abutting a residential zone or
existing residential use) 10 feet
C. Minimum front yard setback (from centerline of
right-of-way) (Also see 5-1-7)

Principal arterial	65 feet
Minor arterial	55 feet
Collector	45 feet
Local	40 feet

- D. Maximum coverage of lot by structures 60%
- E. A minimum of 10% of the land area shall be landscaped.
- F. 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 principal and/or minor arterial streets.
 2. Must be located at least eight-tenths mile from another Business, Commercial or Industrial zone district in which retail sales are an allowed use. Distance to be measured between the closest boundaries of the two (existing and proposed) trade zone districts.
 3. Can be located only on two quadrants of one of the intersecting streets.



NOT ACCEPTABLE ACCEPTABLE

4. Maximum land area permitted is 50,000 square feet on a corner. The short dimension of this zone district on either corner shall not be less than 50% of the longer dimension.
5. Business uses must be constructed and operated to not increase curb parking in front of abutting residential areas.
6. All business uses in this district shall cease operation and turn off illuminated signs daily at 11:00 p.m.
7. Service entrances and service yards shall be located only in the rear and side yard of the business use. Service yards shall be screened from adjacent residential zone or use 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.

G. Also see General Regulations for regulations applicable in all Zone Districts (for example, Parking and Loading Requirements and Sign Code), Definitions and Use/Zone Matrix.

4-2-10 B-3 (RETAIL BUSINESS) This zone is intended primarily for areas of concentrated indoor retail and service business uses but not for major shopping centers or large outdoor sales areas. These areas shall be organized and developed to encourage pedestrian circulation among the uses from common parking areas. The formation of "parking districts" within adjoining areas is encouraged. Development in this zone shall be compatible with existing land uses in the area.

Bulk requirements are as follows:

- A. Maximum height of structures 40 feet
- B. Minimum side and rear yard setback0 feet
(if abutting a residential zone or existing residential use 10 feet
- C. Minimum front yard setback (from centerline of right-of-way) (Also see 5-1-7)
 - Principal arterial 65 feet
 - Minor arterial 45 feet
 - Collector 35 feet
 - Local 25 feet
- D. A minimum of 50% of required front yard shall be landscaped.
- E. Limitations - Service entrances and service yards shall be located only in the rear and side yard of the business use. Service yards shall be screened from adjacent residential-zoned property by the installation and maintenance of a solid wall or fence having a height of six feet. When the B-3 zone district abuts a single family zone district directly, without the intervention of a street or highway (but not including an alleyway or easement), the boundary between B-3 zone district and the single family zone district shall be fenced as required above.
 - 1. Residential uses approved through the conditional use process shall not exceed a maximum density of 64 units per acre.
- F. Also see General Regulations for regulations applicable in all Zone Districts (for example, Parking and Loading Requirements and Sign Code), Definitions and Use/Zone Matrix.

4-2-11 C-1 (LIGHT COMMERCIAL) This zone is intended primarily for retail and service businesses requiring large amounts of land area and/or direct access to a major street system. This may include major shopping centers as well as outdoor sales and motels.

Bulk requirements are as follows:

- A. Maximum height of structures 40 feet

- B. Minimum side and rear yard setback0 feet
(if abutting a residential zone or existing residential use) 10 feet
- C. Minimum front yard setback (from centerline of right-of-way) (Also see 5-1-7)
 - Principal arterial 55 feet
 - Minor arterial 45 feet
 - Collector 40 feet
 - Local 25 feet
- D. A minimum of 75% of the required front yard setback shall be landscaped.
- E. Also see General Regulations for regulations applicable in all Zone Districts (for example, Parking and Loading Requirements and Sign Code), Definitions, and Use/Zone Matrix.

4-2-12 C-2 (HEAVY COMMERCIAL) The intent of this zone is to provide for the establishment of areas of heavy commercial activity including wholesale businesses, warehousing and some light fabrication uses. It is anticipated that most uses in this zone will be oriented to heavy truck or rail traffic.

Bulk requirements are as follows:

- A. Maximum height of structures 40 feet
- B. Minimum side and rear yard setback0 feet
- C. Minimum front yard setback (from centerline of right-of-way) (Also see 5-1-7)
 - Principal arterial 55 feet
 - Minor arterial 45 feet
 - Collector 40 feet
 - Local 25 feet
- D. A minimum of 75% of the required front yard setback shall be landscaped.
- E. Limitations - Rezoning to the C-2 zone shall not be permitted adjacent to any residential zone.
- F. Also see General Regulations for regulations applicable in all zone districts (for example, Parking and Loading Requirements and Sign Code), Definitions and Use/Zone Matrix.

4-2-13 I-1 (LIGHT INDUSTRIAL) This zone is intended primarily to allow for areas of light manufacturing uses as well as heavy warehousing and high impact uses. It is anticipated that most uses in this zone will be oriented to heavy truck or rail traffic.

Bulk requirements are as follows:

- A. Maximum height of structures 65 feet

B. Minimum front yard setback (from centerline of right-of-way) (Also see 5-1-7)

Principal arterial	55 feet
Minor arterial	45 feet
Collector	35 feet
Local	25 feet

C. Landscaping may be required in the site plan review.

D. Limitations - Rezoning to the I-1 zone shall not be permitted adjacent to any residential zone.

E. Also see General Regulations for regulations applicable in all Zone Districts, (for example, Parking and Loading Requirements and Sign Code), Definitions and Use/Zone Matrix.

4-2-14 I-2 (HEAVY INDUSTRIAL) This zone is intended to provide for areas of heavy and concentrated fabrication, manufacturing and industrial uses including outdoor industrial storage. It is anticipated that most uses in this zone will be oriented to heavy truck or rail traffic.

Bulk requirements are as follows:

A. Maximum height of structures 65 feet

B. Minimum front yard setback (from centerline of right-of-way) (Also see 5-1-7)

Principal arterial	55 feet
Minor arterial	45 feet
Collector	35 feet
Local	25 feet

C. Limitations - Rezoning to the I-2 zone shall not be permitted adjacent to any residential zone.

D. Also see General Regulations for regulations applicable in all zone districts, (for example, Parking and Loading Requirements and Sign Code), Definitions and Use/Zone Matrix.

4-2-15 P (PARKING, OFF-STREET) This zone is intended to provide areas for off-street employee or customer parking for business, commercial or industrial uses where these uses adjoin residential areas, without extending those zones into residential areas. The proper location of this zone should aid in reducing on-street congestion caused by certain uses, with a minimum impact on abutting residential areas.

Bulk requirements are as follows:

A. Maximum height of structure 12 feet

B. Minimum setbacks (front, rear and side yard)
Same as required for each abutting residential zone district.

- C. A minimum of 10% of the total land area shall be landscaped or in accordance with parking regulations, whichever is greater.
- D. Limitations - This zone district may be permitted and used only subject to all of the following limitations which provide that the parking lot:
1. Is properly graded for drainage; surfaced with concrete, asphaltic concrete, asphalt, 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 located 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 located and arranged that no part of any parked vehicle will extend beyond the boundaries of the parking lot.
 4. Is provided with a solid fence on each boundary of the parking lot which abuts a residential zone if the business, commercial or industrial use is operated after 10:00 p.m. The purpose of this fence is to obscure from abutting residential zone the direct light from automobile headlights. The fence shall be maintained in a good condition and shall not be used as a support for any signs.
 5. Is provided with a solid fence at least four feet but not over five feet high installed parallel to the entire front property line in cases where the "P" zone is across a street from any residential zone. The erection of this fence shall not constitute a traffic or fire hazard.
 6. Is provided with lighting facilities for safety and has lighting facilities directed away from residential property, and direct light beams are confined to the lighted property by appropriate directional hooding.
 7. Has only one shelter building, not exceeding 50 square feet of floor area, for an attendant.
 8. Is limited in size 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 an adjacent B-2 zone area.
- E. Also see General Regulation for regulations applicable in all Zone Districts, (for example, Parking and Loading Requirements and Sign Code), Definitions and Use/Zone Matrix.

4-2-16 HO (HIGHWAY ORIENTED) This zone is intended to provide for areas of business and commercial development along major roads and highways in the City urban area. In most cases it is anticipated that these roads will be numbered State or Federal highways or connectors of these highways with each other. The HO zone will normally not be granted at locations which are more than 500 feet from a major road or highway.

- A. The following criteria shall be used in consideration of the placement of this zone and the type and arrangement of uses within it.
 - 1. The zone and its uses shall provide for the orderly development and concentration of business and commercial uses serving both local and long distance travelers.
 - 2. Major transportation corridors and access points to these corridors shall be aesthetically acceptable and present a favorable image of the community.
 - 3. Pedestrian and vehicular conflicts shall be minimized by providing for adequate separation and channeling of these movements.
 - 4. Appropriate space and site design shall be provided to satisfy the needs of modern commercial developments where access is primarily dependent on vehicles.

Bulk requirements are as follows:

These guidelines are desirable to further the intents of this zone and are not absolutes. Planning Commission and/or the Governing Body may consider variations on these guidelines when specific projects can show that no adverse impacts will result or if it is determined that stricter requirements are necessary due to specific project impacts.

- A. Maximum height of structures 65 feet
- B. Maximum lot coverage by structures 35%
- C. Minimum side and rear yard setback 15 feet
- D. Front yard setback (from centerline of right-of-way) (See also 5-1-7)
 - Principal arterial 65 feet
 - Minor arterial 65 feet
 - Collector 55 feet
 - Local 45 feet
- E. A minimum of 75% of required front yard shall be landscaped. In addition, where a use in this zone adjoins a residential zone, the required setback area from adjoining lot lines shall be used only as a landscaped screening strip. This is in addition to boundary fences.
- F. Limitations:
 - 1. Developments within this zone shall comply with the conditional use review and approval requirements.
 - 2. The location, size, number and alignment of accessways shall be so arranged to prevent traffic hazards and conflicts. Where applicable, common accessways, acceleration and deceleration lanes, and frontage roads shall be required.

3. Additions or alterations to approved H.O. development plans shall require resubmittal and processing. The staff may approve minor alterations in the site plan and requirements as long as these do not change the basic characteristics of the original approval.

G. Validity:

A development schedule which has expired prior to the beginning of construction nullifies the approval and will require reapplication. An extension of the development schedule may be granted by the Planning Commission at a regularly scheduled meeting if requested by the applicant prior to the expiration of the original schedule.

H. Also see General Regulations for regulations applicable in all Zone Districts, (for example, Parking and Loading Requirements and Sign Code), Definitions and Use/Zone Matrix.

4-2-17 PZ (PUBLIC ZONE) This zone is intended to provide for uses and facilities in the ownership or control of Federal, State and Local governments or special taxing districts. The managing agency shall initiate a rezone at the time the use of newly acquired land is determined. The purpose of a public zone is to provide identification of public ownership, uses and facilities to protect public investment and interest. Adjacent land uses and development approvals shall be compatible with that public investment and interest.

Bulk requirements are as follows:

- A. Maximum height of structures 65 feet
- B. Minimum side and rear yard setback 0 feet
If adjacent to a residential zone or existing
residential use 10 feet
- C. Minimum front yard setback (from centerline of
right-of-way) (Also see 5-1-7)
 - Principal arterial 65 feet
 - Minor arterial 65 feet
 - Collector 55 feet
 - Local 40 feet
- D. A minimum of 50% of required front yard shall be landscaped.
- E. Limitations - Service entrances and service yards shall be located only in the rear and side yards. Service yards shall be screened from adjacent residential zoned property by the installation and maintenance of a six foot high solid wall or fence.
- F. Also see General Regulations for regulations applicable in all zone districts, (for example, Parking and Loading Requirements and Sign Code), Definitions and Use/Zone Matrix.

4-3 ZONE/USE MATRIX

4-3-1 USE OF THE MATRIX - The Zone/Use matrix shall be used to determine the types of uses allowed in the various zone districts and to identify the type of process required for establishment of that use. To establish the status of a use within a zone district, find the use in the left hand column and the zone district across the top of the page. Follow both columns to the point to intersection and identify the status by the following:

- A. A blank space indicates that the use is not permitted in that zone under any circumstances.
- B. An "A" in the space indicates that the use is allowed within the context of the bulk requirements of that zone and may proceed to processing for a building permit as established in Chapter Nine.
- C. An "S" in the space indicates that the use is a special use, subject to processing under the special use permit requirements of this chapter.
- D. A "C" in the space indicates that the use is a conditional use, subject to processing under the conditional use requirements of this chapter.

4-3-2 Special and Conditional Uses shall not be considered uses by right. In order to be permitted, these uses shall be approved through the appropriate process.

4-3-3 EXPLANATION OF USES - Uses listed on the matrix shall:

- A. Be considered general uses and shall be used in context with the intent of this Code. (See Uses Not Mentioned, 4-10)
- B. Uses listed on the matrix are principal uses. Accessory structures and uses shall have the same status in all zones as the principal uses to which they are connected and be subject to the same requirements, procedures and criteria as the principal use.

USE/ZONE MATRIX

1. THE USES SPECIFIED IN THIS MATRIX ARE GROUPED INTO GENERALIZED CATEGORIES OF SIMILAR USES. THE GENERAL CATEGORIES ARE ARRANGED IN ORDER OF LIGHTEST TO HEAVIEST USES. WITHIN THE CATEGORIES, THE SPECIFIC USES ARE ARRANGED IN ALPHABETICAL ORDER.
2. USES PRECEDED BY AN ASTERISK (*) INDICATES THAT SPECIAL INSTRUCTION, EXPLANATION, OR REQUIREMENTS ARE NOTED ON THE LAST PAGE OF THIS MATRIX.
3. LEGEND:

- USE NOT PERMITTED
- A - ALLOWED USE (SEE REQUIREMENTS FOR BUILDING PERMIT)
- S - SPECIAL USE (SUBJECT TO SPECIAL USE REQUIREMENTS OF THIS CHAPTER)
- C - CONDITIONAL USE (SUBJECT TO CONDITIONAL USE REQUIREMENTS OF THIS CHAPTER)

	RSP-1	RSP-2	RSP-3	RSP-4	RSP-5	RSP-6	RMP-16	RMP-32	RMP-64	B-1	B-2	B-3	C-1	C-2	I-1	I-2	H.O.	P	PZ						
RESIDENTIAL																									
BUSINESS RESIDENCE (see 5-1-10)										A		A	A	A											
GROUP RESIDENCES - dormitory, sorority, fraternity or lodging, boarding or rooming house where 3 or more rooms are used on a non-transient basis							A	A	A	A		S							A						
HOME OCCUPATIONS (see definition)	A	A	A	A	A	A	A	A	A																
MULTI-FAMILY RESIDENTIAL							A	A	A	A		C							A						
RESIDENTIAL SUB-UNIT (see special use section for complete standards)	S	S	S	S	S	S																			
* (1) (2) SINGLE FAMILY RESIDENTIAL	A	A	A	A	A	A	A	A	A			C							A						
COMMUNITY FACILITIES - PUBLIC AND PRIVATE																									
AIRPORTS/HELIPORTS														C	C	C			C						
BOARDING SCHOOLS						S	S	S																	
BUS/COMMUTER STOPS	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	C	A						
CEMETERIES	A	A	A	A	A	A	A	A	A				A	A	A	A	A		A						
CHURCHES										S	S	S													
COLLEGES						C	C	C				C							C						
CULTURAL/EDUCATIONAL/RECREATIONAL FACILITIES - museums, art centers, libraries, ball parks & recreation halls	S	S	S	S	S	S	A	A	A			A	A	A	A	A	C		S						
DANCE/MUSIC SCHOOLS							S	S	S	S	A	A	A												
FIRE/POLICE STATIONS/RESCUE/EMERGENCY SERVICES	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S						
FUNERAL HOMES/MORTUARIES/CREMATORIES							S	S	S	A			A	A	A										
GOLF COURSES/GOLF DRIVING RANGES							S	S	S				A	A	A	A			S						
HELIPADS									C	C			C	C	S	S	C		C						
MEMBERSHIP CLUBS & COMMUNITY ACTIVITY BUILDINGS							C	C	C	A		A	A	A	A				S						
PARKS/LAKES/RESERVOIRS	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S						
RACE TRACKS/DAG STRIPS														C	C	C	C		C						
RIDING ACADEMIES and/or OTHER FACILITIES	C	C	C	C	C	C	C	C				C	C						A						
SCHOOLS	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S						
SERVICE LINES	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	S	A						
SHOOTING RANGES																			C						
SWIMMING POOLS	S	S	S	S	A	A	A					A	A	A	A	A	C		S						
TRANSMISSION LINES	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S						
TRANSPORTATION FACILITIES - Bus or R.R. depot or similar use													S	S	S	S	C		S						
VOCATIONAL/TECHNICAL SCHOOLS												S	A	A	A	A	S		S						
HUMAN CARE/TREATMENT FACILITIES																									
CLINICS							S	S	A	S	A	A	A						S						
COUNSELING CENTER							C	S	S	A		A	A	A			C		S						
FAMILY FOSTER HOMES (see definition)	A	A	A	A	A	A	A	A																	
HOSPITALS/MENTAL HOSPITALS							C	C											C						
JAILS/HONOR CAMPS/REFORMATORIES																			S						
LAW ENFORCEMENT REHABILITATION CENTERS										C	S	S							S						
NURSERY SCHOOLS/PRESCHOOLS/DAY NURSERIES	C	C	C	C	S	S	S	A	A	A	A							S	S						
PHYSICAL AND MENTAL REHABILITATION CENTERS							C	C	C	C	C								S						
RESIDENTIAL GROUP HOMES/RECEIVING HOMES/CARE FACILITIES (see definitions)	A	A	A	A	A	A	A																		
REST HOMES/NURSING HOMES/SANITARIUMS/CONVALESCENT FACILITIES (clinics & pharmacies as accessory uses)/ORPHANAGES							S	S	S	S									C						
SERVICE BUSINESS - LIMITED, INSIDE																									
FINANCIAL INSTITUTIONS												A	S	A	A	A			S						
NEIGHBORHOOD SERVICE OFFICES													A	A	A	A			S						
PROFESSIONAL/GOVERNMENT OFFICES													A	C	A	A	A		S						
SERVICE BUSINESS - PERSONAL, INSIDE																									
BARBER SHOPS/BEAUTY SHOPS/PHARMACIES/SELF-SERVICE LAUNDRIES/SIMILAR USES													A	A	A	A	A	A	S						
PARKING LOTS - Open area for the purpose of parking vehicles of employees or customers. Lots must be improved as specified (see Parking and Loading).																									
																			A	A	A	A	C	A	S

FIGURE 4-3-4

	RSP-R	RSP-4	RSP-5	RSP-8	RMF-16	RMF-32	RMF-64	B-1	B-2	B-3	C-1	C-2	I-1	I-2	H.O.	P	PZ
RETAIL BUSINESS - LIMITED, INSIDE																	
Completely enclosed buildings or stores for displaying, storing and selling of new and used goods, wares, equipment and merchandise of all descriptions including tailor shops and light printing establishments, but excluding lumber yards, auction houses, and major shopping centers.																	
COMMERCIAL RESIDENCE - TRANSIENT/NON-TRANSIENT																	
HOTELS																	
												A	A	A	A	C	C
MOTELS																	
												A	A	A	A	C	C
RESIDENTIAL HOTELS/HOSTELS/TOURIST HOMES																	
							C					A	A			C	C
RESTAURANT BUSINESS - LIMITED (Consists of building for serving the dining needs of persons but does not include drive-up; does include drive-in service)																	
CAFES																	
								S	A	A	A	A	A	A	A	S	
RESTAURANTS/CAFETERIAS																	
								S	A	A	A	A	A	A	S		
AMUSEMENT BUSINESS - INSIDE																	
BOWLING ALLEYS																	
												A	A	C		C	
ESTABLISHMENTS SERVING LIQUOR/WINE/BEER																	
							C	C	C	C	C	C	C	C	C	C	C
HEALTH/ATHLETIC CLUBS & SERVICES (swimming pool as accessory use)																	
								S	A	A	S				S		
NIGHT CLUBS/PUBS/INNS - NOT SERVING LIQUOR/WINE/BEER																	
												A	A	C		C	
RECREATION HALLS/POOL HALLS																	
												A	A	C		C	
SKATING RINKS																	
												A	A	S		C	
THEATERS																	
												A	A	S		C	
RETAIL BUSINESS - LIMITED, OUTSIDE																	
AMUSEMENT PARKS																	
												A	C			C	
DRIVE-IN THEATERS																	
												A	C				
FARMERS MARKETS																	
	C											S	S	S		S	S
GOLF DRIVING RANGES																	
												A	C			C	
MINIATURE GOLF COURSES																	
												A	A	S		C	
NURSERIES/GREENHOUSES																	
	S	C	C	C	C	C	S					A	A	A	S	S	C
*(3) OUTSIDE SALE RETAIL GOODS																	
								S	S	S	S	S	S	S	S	S	S
PRODUCE STANDS (products produced on premises)																	
	A	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S
DRIVE-UP BUSINESS																	
DRIVE-UP FINANCIAL INSTITUTIONS																	
												A	A	A		S	
DRIVE-UP LAUNDRY/DRY CLEANERS																	
												A	A	A		S	
DRIVE-UP PHOTO PROCESSING																	
												S	A	A		S	
DRIVE-UP RESTAURANTS																	
												C	C	C		C	
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, no engine repair which requires removal of the head or the pan of the engine.																	
												C	A	A	A	A	C
RETAIL BUSINESS - UNLIMITED, OUTSIDE (open land for displaying, storing and selling)																	
AUTOMOBILES/PICKUP TRUCKS/VANS																	
													A	A			
FARM IMPLEMENTS																	
													A	A			
MOBILE HOMES																	
													A	A			
NURSERY STOCK/GARDENING SUPPLIES																	
													A	A	A		C
RECREATIONAL VEHICLES AND EQUIPMENT																	
													A	A			
RENTAL-HOME ORIENTED																	
								C	A	A							
BUILDING MATERIALS SALES AND STORAGE																	
													A	A	A	A	
TRUCKS																	
													A	A			
REPAIR SHOPS/PRODUCTION SHOPS																	
APPLIANCE AND CLOTHING REPAIR AND SERVICING																	
								S	A	A	A						
CABINET MAKING																	
													A	A	A	A	
UPHOLSTER SHOPS																	
													A	A	A	A	
CONTRACTING AND REPAIR SHOPS																	
													A	A	A		
LOCKSMITHING																	
													A	A	A		
RETAIL BUSINESS - UNLIMITED, INSIDE																	
BAKERIES																	
								C	C	S	A	A	A	A	S		
BUILDING MATERIALS SALES AND STORAGE																	
													A	A	A	A	
FEED AND SEED STORES/FACILITIES																	
													A	A	A		
INDUSTRIAL PRINTING AND PUBLISHING ESTABLISHMENTS																	
													A	A	A		
MAJOR SHOPPING CENTERS (see definitions)																	
													C	C	C	C	
SERVICE BUSINESS - UNLIMITED																	
ANIMAL CLINICS (indoor only)																	
								C	A	A	A				C		
ANIMAL HOSPITALS (with outdoor facilities)																	
									S	S	S				C		
AUCTION HOUSES																	
									C	A	A	A					
AUCTION YARDS																	
							C	C	C	C	C	C					C
BUS AND TAXI SERVICE AND STORAGE BUILDINGS																	
													A	A	A		
CAMPGROUNDS - OVERNIGHT																	
													A			G	
COMMERCIAL BROADCAST/COMMUNICATION TOWERS																	
													A	A	A	C	C
COMMERCIAL CARPET CLEANING ESTABLISHMENTS																	
													A	A	A		
COMMERCIAL/INDUSTRIAL RENTAL																	
													A	A	A		
COMMERCIAL LAUNDRIES																	
													A	A	A		
COMMERCIAL HEAT PROCESSING (no slaughtering)																	
													A	A	A		
FROZEN FOOD LOCKERS																	
													A	A	A		
GLASS FABRICATION AND INSTALLATION																	
													C	A	A	A	

FIGURE 4-3-4

	RSP-R	RSP-4	RSP-5	RSP-8	RMF-16	RMF-32	RMF-64	B-1	B-2	B-3	C-1	C-2	I-1	I-2	H.O.	P	PZ
KENNELS												S					
PUBLIC GARAGES												A	A	A	A		
ROOFING SHOPS												A	A	A			
SHEET METAL SHOPS												A	A	A			
SIGN PAINTING SHOPS												A	A	A			
TRUCK TERMINALS												A	A	A			
AUTOMOTIVE MAINTENANCE																	
AUTO REPAIR GARAGES (includes painting)												A	A	A	A	C	
CAR WASHES											S	A	A	A	A	C	
TIRE RECAPPING AND STORAGE												A	A	A			
TRUCK STOPS												A	A	A	A	C	
WHOLESALE BUSINESS - Consists of wholesale business or storage buildings but not for highly flammable materials or liquids. (Includes "mini-storage" buildings.)												A	A	A	A		
ELECTRONIC FABRICATION - Assembly, manufacture, fabrication, maintenance, or adjustment of electronic devices.												A	A	A	A		
MANUFACTURING																	
AUTOMOBILE/TRUCK/AIRPLANE ASSEMBLY															A		
BLACKSMITH/MACHINE SHOPS													A	A	A		
BOTTLING WORKS												A	A	A	A		
CANNING													A	A			
CONCRETE PRODUCTS FABRICATION													A	A	A		
CURING AND STORING HIDES															S		
FABRIC FABRICATION AND PROCESSING											S	A	A	A	A		
FREIGHT YARDS															A		
GLASS MANUFACTURE														A	A		
HANDICRAFT PRODUCTS MANUFACTURE											A	A	A	A	A		
METAL/STONE/MONUMENT WORKS															A		
OUTDOOR BUILDING MATERIAL AND EQUIPMENT STORAGE													A	A	A		
OXYGEN/ACETYLENE AND SYNTHETIC/PLASTIC MANUFACTURE															A		
POTTERY/PORCELAIN/CERAMIC MANUFACTURE														A	A		
PROCESSING AND DISTRIBUTION OF DAIRY AND FOOD PRODUCTS (includes cold storage plants)													A	A	A		
SAWMILLS/ROUGH LUMBER												C	S	S			S
INDUSTRY - LIMITED (Consists of industry sometimes using combustible and explosive materials, and which by its nature emits excessive amounts of noise, fumes, smoke, dust and similar features but where all practical means are used to confine such features to the premises.)																S	
INDUSTRY - UNLIMITED (Consists of large scale industry, incinerators and other public and private industry, using and storing combustible and explosive materials, which cannot satisfactorily control noise, smoke, fumes, dust and other such operational features.)																	C
INDUSTRIAL STORAGE - OUTSIDE																	
CONCRETE PRODUCTS STORAGE															S		
JUNK YARDS/SALVAGE YARDS/HEAVY EQUIPMENT STORAGE (without repair facilities)															C		C
LANDFILLS															C		C
PIPE STORAGE															S		
SAND AND GRAVEL STORAGE															S		C
AGRICULTURAL OPERATIONS AND PROCESSING																	
AGRIBUSINESS													A	A	A		S
DAIRIES	S												C	C	C		C
FARMS, RANCHES AND ACCESSORY USES (including agricultural animals and crops) AND STRUCTURES (including housing for full time employees)	A																A

FIGURE 4-3-4

	RSE-R	RSP-4	RSP-5	RSP-8	RMP-16	RMP-32	RMP-64	B-1	B-2	B-3	C-1	C-2	I-1	I-2	H.O.	P	PZ
FEED LOTS																	
MEAT PROCESSING WHICH INCLUDES SLAUGHTERING (may have some outside holding of live animals but no feed lots)														S			
EXTRACTIVE USES																	
OIL/GAS DRILLING	C	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S
QUARRIES/MINING AND PROCESSING	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C
SAND AND GRAVEL EXTRACTION PROCESSING	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C
RECREATIONAL RESORT USES - Consists of the following or similar uses in conjunction with major recreational areas such as National or State Parks and Forests, ski areas, recreational lakes and similar areas.																	
RECREATIONAL CAMPGROUNDS AND CAMPS	C																S
RECREATIONAL USES	C																S
RESORT CABINS AND LODGES																	S
FORESTRY STRUCTURES (fire towers, shelters, housing for employees)																	S
* (4) OUTDOOR OR INDOOR EVENTS OF A CULTURAL/SPORTING/EDUCATIONAL RECREATIONAL NATURE	C	C	C	C	C	C	C	C	C	S	S	S	S	S	S	C	S
ZOOS (confinement or display)	C											C	C			C	C

* EXPLANATIONS

- (1) Mobile Homes - within the City mobile homes shall be allowed only in approved mobile home parks or subdivisions.
- (2) Manufactured Single Family Homes, meeting Uniform Building Code or equivalent engineering performance standards, are permitted wherever single family residential units are permitted by this Code.
- (3) Outside sale of retail goods - shall refer only to the sale of small items which may be readily loaded, unloaded and moved by truck or car (i.e. tapestries, pictures, throw rugs, produce, etc.)
- (4) In all zones the Governing Body may approve a special events permit allowing charitable fundraising events. The criteria used in evaluating requests shall be the same as for conditional use permits. Special events permits shall be limited to one week.

FIGURE 4-3-4

4-4 REZONE

4-4-1 GENERAL

- A. A rezoning shall be an amendment to the official zoning map as established and maintained according to Section 4-12.
- B. Whenever the public necessity, safety, or general welfare justifies such action, and after consideration and recommendation by the City Planning Commission, the Council may change zone district boundaries after public hearing for which public notice is given.
- C. A proposed change of zone district boundaries may be initiated by the Council, Planning Commission, or owners of a minimum of fifty percent of the property within the area requested to be changed.

4-4-2 FILING AND PROCESSING

- A. An applicant shall schedule a conference with the appropriate staff to informally discuss the proposal and to establish the specific number and type of submittal materials required (see 4-4-3).
- B. Applications shall be reviewed by appropriate review agencies as stated in Chapter 2, Guide to the Use of the Code, and a hearing will be scheduled for the first available meeting of the Planning Commission. The hearing shall not be held more than sixty days from the date of application submittal unless the applicant agrees to an extension in writing.
- C. After required hearing, the Planning Commission shall recommend approval or disapproval of a petitioned zone change, either in whole or in part.
- D. Upon a recommendation for approval of a rezoning request, either in whole or in part, the staff shall schedule the application for hearing before the Governing Body. The hearing shall be held not more than forty-five days following the Planning Commission recommendation. If the Planning Commission recommends denial, the item shall not be scheduled unless within thirty days of action, a written request is submitted to the Department by the applicant. In such cases, the hearing must be held within forty-five days of the date the request is submitted.
- E. Following the required hearing, the Governing Body shall approve or deny the rezoning in whole or in part within sixty days.
- F. A favorable vote of five members of the Governing Body shall be required to overturn a recommendation of the Planning Commission that an application for rezoning be denied.
- G. In all rezoning actions by either the Planning Commission or the Governing Body, the reasons for the action shall be stated in the official minutes of that body.

- H. In case of a protest against any proposed rezoning by owners of fifty percent of the area included in the proposal or immediately adjacent (within one hundred feet to the area, a favorable vote of at least five members of the entire membership of the Governing Body shall be required to approve the proposal.
- I. Parcels which are rezoned shall comply with the right-of-way dedication requirements as specified in Section 5-4-1D of this Code. If right-of-way is required, properly executed deeds for such right-of-way must be submitted to the City prior to the second reading of the ordinance approving such rezone.

4-4-3 SUBMITTAL REQUIREMENTS - The applicant shall submit to the Department the following materials (only complete submittals shall be accepted):

- A. A completed rezoning application (see Appendix).
- B. A written statement, identifying the impact of the proposal, including the following points:
 - 1. Need for the rezone.
 - 2. Present and future effects on the existing zone districts, development, and physical character of the surrounding area.
 - 3. Access to the area, traffic patterns and impact of the requested zone on these factors.
 - 4. Availability of utilities.
 - 5. Present and future effects on public facilities and services such as fire, police, water, sanitation, roadways, parks, schools, etc.
 - 6. Address the relationship between the proposal and adopted plans and/or policies of the City.
- C. Vicinity sketch map showing:
 - 1. Location and boundaries of the property proposed for rezone.
 - 2. Date of preparation, the scale, and a symbol designating true north.
 - 3. The acreage contained within the proposed rezone.
 - 4. Zoning and existing land uses on all lands adjacent to the proposed rezone.
 - 5. The location and dimensions for all existing streets, alleys, easements, water and sewer lines, watercourses within and adjacent to the rezone, and the names of all streets.
 - 6. The names of all adjoining subdivisions with lines of abutting lots, departing property lines of adjoining properties not subdivided and similar facts regarding property which is immediately adjacent.
 - 7. All existing land uses in the proposed rezone.

8. It shall be the responsibility of the applicant to ensure that full and complete information is provided concerning the character of the site and the area.
9. A survey of the property may be required to provide a correct legal description.
- D. Names and addresses of all adjacent property owners within two hundred feet of all boundaries of the property proposed for rezone including across streets, alleys, canals, etc.
- E. Any additional materials necessary to adequately review the proposal.
- F. Deeds for required rights-of-way in accordance with Section 4-4-2I.

4-4-4 CRITERIA - The following evaluations shall be made in reviewing rezone applications:

- A. Was the existing zone an error at the time of adoption?
- B. Has there been a change in character in the area due to installation of public facilities, other zone changes, new growth trends, deterioration, development transitions, etc.?
- C. Is there an area of community need for the proposed rezone?
- D. Is the proposed rezone compatible with the surrounding area or will there be adverse impacts?
- E. Will there be benefits derived by the community or area by granting the proposed rezone?
- F. Is the proposal in conformance with the policies, intents and requirements of this Code and other adopted plans and policies?
- G. Are adequate facilities available to serve development for the type and scope suggested by the proposed zone? If utilities are not available, could they be reasonably extended?

4-5 SPECIAL USES

4-5-1 A special use shall require a special use permit prior to the issuance of a building permit or the commencement of the use. This permit shall be issued by the Administrator upon approving the application. A special use shall not be considered a use by right.

4-5-2 PROCEDURE FOR SPECIAL USE PERMIT

- A. The applicant shall submit the required materials to the Department (see 4-7). Only complete applications shall be accepted.

- B. Staff shall review the application in accordance with the criteria established in this chapter (see 4-8). Staff shall solicit review comments in accordance with general review procedure (see 2-2-2).
- C. The application shall be approved, approved with conditions, or denied within twenty working days from the date of application submittal.
- D. If the applicant notifies the Administrator, in writing, that the decision is not acceptable, the Administrator shall refer the application and decision to the Planning Commission at the first available meeting.
 - 1. If the issues concern the use requested at that specific location or the use conditions required by the Administrator, the Planning Commission shall make the final decision.
 - 2. If the issue concerns how the site is designed at that specific location and/or improvements required by the Administrator, the procedure shall be as set forth in 9-3-6 A, B, and C.
- E. All signs within special uses shall be regulated by the sign regulation (5-7) in accordance with the zone in which they are located.

4-5-3 SPECIAL USE FOR RESIDENTIAL SUB-UNIT

- A. To qualify for a special use permit, a residential sub-unit use shall maintain the following conditions:
 - 1. The use shall be located in its entirety within a principal dwelling unit occupied by the owner of the property.
 - 2. The outside appearance of the principal structure shall not be changed from a single-family residential character. Desired private entrances must be located so that they do not disturb this character.
 - 3. Parking requirements for the sub-unit shall be located on the property of the principal structure in a manner which would not adversely affect the neighboring properties, or change the character of a typical single-family residential lot.
- B. A residential sub-unit use shall not interfere with the peace, quiet and dignity of the neighborhood.
- C. Also see "Residential Sub-Unit" definition.

4-6 CONDITIONAL USES

- 4-6-1 A conditional use shall require a conditional use permit prior to the issuance of a building permit or the commencement of a use identified as a conditional use in the zone in which it is located. A conditional use shall not be considered a use by right.

4-6-2 PROCEDURE FOR CONDITIONAL USE PERMIT

- A. The applicant shall schedule a conference with the staff prior to a submittal.
- B. Applicants shall submit the required materials to the Department (see 4-7). Only complete submittals shall be accepted.
- C. Staff shall review the application in accordance with the criteria established in this chapter (see 4-8). Staff shall solicit review comments in accordance with general review procedure (see 2-2-2).
- D. The staff shall present the application, including comments of reviewing agencies, to the Planning Commission at a hearing not later than forty-five days from the required submittal date except as provided in 2-2-2. The Planning Commission shall either approve, conditionally approve, or deny the submitted application. The decision of the Planning Commission will be final unless appeal procedures are undertaken under the provisions of Section 2-2-2C.3.
- E. The recommendation of the Commission, including the reasons and conditions, shall be stated in the minutes of the meeting.
- F. Developments and uses granted by the approval of a conditional use permit shall be developed or established in accordance with the approved development schedule, or within one year of the date of approval if no development schedule is established. Failure to so develop or establish such development or uses accordingly shall cause the permit to be revoked.
- G. A conditional use is valid as long as those conditions of approval are maintained by the owner of the property unless a specific time limit has been established at the hearing.
- H. If conditions of approval are not maintained, it shall be considered a violation of this Code and subject to the provisions of Chapter 12, Administration and Enforcement. Staff will request voluntary compliance prior to initiating actions specified in Chapter 12.
- I. All signs within conditional uses shall be regulated by the sign regulation (see 5-7) in accordance with the zone in which they are located.

4-7 SUBMITTAL REQUIREMENTS FOR SPECIAL AND CONDITIONAL USES

- 4-7-1 A site plan in conformance with requirements outlined in 5-6-13.
- 4-7-2 The following accompanying material shall be required with the site plan:
 - A. Elevations and/or perspective drawings of proposed structures.
 - B. A proposed development schedule indicating:

1. Approximate date of construction.
 2. Stages in which the project may be developed.
 3. The anticipated rate of development.
 4. The approximate date of completion of the project.
- C. Agreements, provisions or covenants which may govern the use.
- D. Names and addresses of all adjacent (see definition) property owners within 200 feet of all boundaries of the property.
- E. Any other material which may be needed to adequately review the specific project for compliance with the requirements of this Code such as contours and hours of operation.
- F. Restoration or reclamation plans shall be required for all extractive uses and may be required for other uses as necessary.

4-7-3 MAINTENANCE AND AMENDMENT

- A. The approved site plan and all conditions to which it is subject by the terms of the permit shall be maintained for the life of the use unless amended.
- B. A special or conditional use permit may be amended by a resubmittal of material required to adequately review the amendment. Minor amendments may be approved by staff. Major amendments shall require submittal of necessary materials for complete review of the amendment. This review shall be as set forth in 4-5 or 4-6. (The type of amendment shall be as set forth in 7-5-6 A and B.)

4-8 CRITERIA FOR EVALUATING SPECIAL AND CONDITIONAL USES

4-8-1 GENERAL CRITERIA - The following criteria shall be used to evaluate special and conditional use applications. These criteria are in addition to any specific criteria listed in the Special and Conditional Use Criteria Matrix F4-8-2 as well as other applicable policies and requirements of this Code.

- A. The proposed use must be compatible with adjacent uses. Such compatibility may be expressed in appearance, site design and scope, as well as the control of adverse impacts including noise, dust, odor, lighting, traffic, etc.
- B. Adequacy of design features of the site, such as service areas, pedestrian and vehicular circulation, safety provisions, accessory uses, accessways to and from the site, buffering, etc. shall be considered.
- C. Accessory uses proposed shall be necessary and desirable. These uses shall not have undesirable impacts on adjacent uses or the principal use. Undesirable impacts on these uses shall be controlled or eliminated.

- D. Adequate public services including sewage and waste disposal, domestic and irrigation water, gas, electricity, and police and fire protection must be available without the reduction of services to other existing uses.
- E. Other uses complementary to, and supportive of, the proposed project shall be available including schools, parks, hospitals, business and commercial facilities, transportation facilities, etc.
- F. Provisions for proper maintenance shall be provided.
- G. The use shall conform to adopted plans, policies, and requirements for parking and loading, signs and all other applicable regulations of this Code (see General Regulations, Chapter 5).

4-8-2 SPECIFIC CRITERIA MATRIX - This matrix identifies criteria for evaluating certain special or conditional uses in addition to the general criteria established in Section 4-8-1. (Also see General Regulations Chapter 5, which may have specific applicable regulations.)

4-9 NON-CONFORMING USES

4-9-1 (CONTINUANCE) A lawful use made non-conforming by the adoption of this Code may continue to operate subject to the requirements of this section.

- A. A lawful structure or parcel of land existing at the time of adoption of this Code, which is made non-conforming due solely to non-compliance with the Bulk Requirements of the zone in which it is located, shall be allowed to continue free of the provisions of this section.
- B. Uses which are nonconforming due to the type of use and the zone in which they are located shall not be enlarged or extended except as provided (see 4-9-2).
- C. This section shall not prohibit the maintenance nor minor repair of a nonconforming use.
- D. A non-conforming use damaged to less than fifty percent of its market value may be restored to conform to the adopted Building Code(s), provided that the work is commenced within one year from the date it was damaged. If damage exceeds fifty percent, restoration shall not be permitted unless the restoration results in a use conforming to all requirements of this Code.
- E. A non-conforming use may be changed only to a use which makes it more in conformance with the zone in which it is located.
- F. Whenever a non-conforming use has been discontinued for a period of one year, this use or any other non-conforming use shall not be reestablished, and any further use on the property shall be in conformance with the provisions of this Code.

4-9-2 EXPANSION

- A. A non-conforming residential use shall not be expanded in scope or area.
- B. A non-conforming business, commercial, or industrial use may be expanded when:
 - 1. Structural expansion shall not exceed fifty percent of existing floor area of the structure.
 - 2. An expansion of land area shall not exceed one hundred percent of the existing land area, and the expansion is used only to provide for off-street parking (see General Regulations, Parking and Loading, 5-5).
 - 3. Where a non-conforming use occupies a portion of an existing structure, expansion shall be limited to 50% of the square footage occupied by the use.

- C. Application for expansion shall be submitted to the Department, in writing, with a site plan showing the existing uses, detailing the type and amount of the proposed expansion and the names and addresses of all adjacent property owners within two hundred feet of the project.
- D. Upon receipt of the application, the property shall be posted with notification of the proposed expansion. If protests are received within twenty days of the posting from thirty-five percent or more of the owners of property within the two hundred foot limit, the requested expansion shall require processing in accordance with conditional use procedures, requirements and criteria.

4-9-3 EXCEPTIONS

- A. This section (4-9) shall not apply to nonconforming signs (see Sign Regulations, 5-7).
- B. Nonconforming uses shall be allowed to provide private garages or sanitary facilities without complying with 4-9-2 of this chapter. Such additions shall comply with all Bulk Requirements of the zone in which they are located.

4-9-4 Evidence of the status of a nonconforming use shall be supplied by the owner of the use upon request of the Administrator.

4-10 USES NOT MENTIONED

No building permit shall be issued for a use not specifically mentioned or described by category in the Use/Zone Matrix. Evaluation of these uses shall be as follows:

4-10-1 The Administrator shall make a determination when a use not mentioned can reasonably be interpreted to fit into a use category where like or similar uses are described. Interpretations may be ratified by the Planning Commission at a regularly scheduled meeting.

4-10-2 Where a use not mentioned is of a type, scope, or impact that cannot reasonably be interpreted to fit any existing use category, the Department shall initiate a conditional use review and procedure for approving the specific use applied for and its location. This approval does not create a right for a similar use in any zone.

4-11 ZONING OF ANNEXATIONS

Land annexed to the City shall be zoned in accordance with 4-4. (The applicant may be the staff and/or the property owner.) The zoning request shall be evaluated by the following special criteria in addition to the general criteria for rezoning:

- A. Adverse impacts to the developed density of well established neighborhoods shall be considered.
- B. The relationship of the property to the urban core area or to established subcores shall be considered.

4-12 ZONING MAP

4-12-1 ESTABLISHMENT - The boundaries of zone districts established by this Code shall be shown on map(s) entitled Zoning District Map(s) of the City of Grand Junction. These maps and all references and dates shown thereon are, by reference, made a part of this Code and shall be referred to as Chapter 4, Section 12 of the City of Grand Junction Zoning and Development Code.

4-12-2 BOUNDARIES - Unless otherwise provided, zone district boundaries shall be on municipal corporate lines, section lines, parcel lines, natural boundary lines or on the center lines of highways, streets, alleys, railroad rights-of-way or these lines extended. In cases where these lines are not used, the zone district lines shall be as determined by using the scale of the official Zoning District Map.

If a parcel of land is divided by a zoning district boundary line at the time of enactment of this Code or by subsequent amendments thereto, the appropriate standards and uses for each zone shall apply on the portion of the parcel covered by that zone.

4-12-3 LOCATION AND MAINTENANCE - The official Zoning District Maps shall be located in, and maintained by, the Department. All amendments to the Zoning Maps made in accordance with the requirements of this Code, shall be recorded on the map.

4-12-4 Disputes concerning the exact location of any zone district boundary line shall be decided in accordance with Section 10-1 under the authority granted in 10-1-1A1.

CHAPTER FIVE
GENERAL REGULATIONS

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**CHAPTER FIVE
GENERAL REGULATIONS**

The development, maintenance or operation of any use which falls under the provisions of this Code is subject to the standards and regulations as described in this chapter.

5-1 GENERAL PERFORMANCE STANDARDS

5-1-1 GENERAL - Dust, fumes, odors, refuse matter, smoke, vapor, noise and vibration will be effectively confined to the premises where located, or effectively minimized to not be injurious to the neighborhood or detrimental to the general public.

5-1-2 OUTDOOR STORAGE

- A. No portion of any required front yard or side yard on the street side of a corner lot shall be used for the permanent storage of motor vehicles, trailers, airplanes, boats, part of any of the foregoing, or building materials, except building materials for use on the premises stored thereon during the time a valid permit is in effect for construction on the premises. Permanent storage, as used in this section, means the presence for a period of forty-eight or more consecutive hours in the required front or side yard.
- B. Junk and junk cars shall not be allowed to collect on any premises except as provided for in the Zoning/Use Matrix (see "Definitions").
- C. Fencing or screening may be required to mitigate adverse impacts from outside storage areas.

5-1-3 ILLUMINATION - Any light used for illumination of signs, parking areas, security, or for any other purposes shall be so arranged as to confine direct light beams to the lighted property and away from nearby residential properties and the vision of passing motorists.

5-1-4 VEHICULAR TRAFFIC AREAS - All on-site vehicular traffic areas except in single family zones shall comply with the following requirements:

- A. Surfaces shall be properly graded for drainage, surfaced with concrete, asphaltic concrete, asphalt, or any other dust-free surfacing material 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 day or night by the movement of vehicles. For each boundary line abutting directly on an RSF parcel of land, a solid wall or fence at least four feet in height shall be erected, subject to the provisions of 5-1-5, "Fences."

- C. All entrances and exits to such areas shall be located and constructed to minimize traffic congestion and subject to all other regulations. Wheel or bumper guards shall be provided, located and arranged so that no part of any parked vehicle will extend beyond the boundaries of the parking area.
- D. No above grade 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.

5-1-5 FENCES - All fences in residential zones shall meet the following standards (see also 5-3-2 and the definition of fence):

- A. Fences in the required front yard setback area shall not exceed thirty inches in height. Such fences may be increased to forty-eight inches maximum height if the fencing material is at a ratio of two-thirds open space to one-third closed space per square foot for that part of the fence extending above the thirty inch height. This paragraph shall not apply to unimproved parcels if the fences meet the open space to closed space ratio established above.
- B. On corner lots, that part of a backyard fence which extends to and along the side property line on the street side may be six feet high.
- C. On that part of the lot other than the required front yard setback area, fences may be erected to six feet in height. Fences exceeding six feet in height are a conditional use (see 4-6).
- D. The height of fences shall be determined by measurement from the ground level at all points upon which the fence is located. An increase of two inches in height shall be allowed when spacing for drainage under the fence is needed.
- E. The height and location requirements of this section shall not apply to fencing for screening or buffering approved as part of a subdivision, planned development, and special or conditional use. For fences on retaining walls, see definition of retaining wall.
- F. Regardless of any allowances in the above paragraphs, no fence shall be constructed or maintained in a location as to constitute a traffic hazard because of obstruction of view.

5-1-6 STRUCTURE HEIGHT

- A. The maximum height for structures in all zones except RSF may be increased by up to 25% of the allowed height by action of the Planning Commission following a public hearing. The decision of the Planning Commission shall be final unless appeal procedures are undertaken under the provisions of Section 2-2-2C.3. The applicant shall obtain written evidence from the Fire Department and Building Inspector that the preliminary plans for the proposed structure requiring the additional height allowance include adequate features for fire protection and public safety.

1. Criteria - The following evaluations shall be made in reviewing an approval for an increase in structure height:

- a. Has there been a change in character in the area due to zone changes, new growth trends, deterioration, development transitions, etc.?
- b. Is the height increase compatible with the surrounding area or will there be adverse impacts? Consider impacts on light and shadow, views, privacy, and neighborhood scale.
- c. Will there be benefits derived by the community or area in granting the height increase?
- d. Is the height increase in conformance with the policies, intents and requirements of this Code and other adopted plans and policies?

2. A hearing shall be as set forth in 4-6-2.

- B. The construction or establishment of any building, tree, smokestack, chimney, flagpole, wires, tower or other structure or appurtenances thereto which may constitute a hazard or obstruction to safe air navigation, landing, or take-off of aircraft near an airport is prohibited. Regulations established by the Federal Aviation Agency shall be considered as basic acceptable standards.
- C. The height limitations of this Code shall not apply to church spires, belfries, cupolas, antennas, domes, electronic and communication towers, water tanks or mechanical penthouses not used for human occupancy except as required by B. above.
- D. Structure heights 25% greater than the zone district maximum may be allowed only through the provisions of this Code for planned development (Chapter 7).

5-1-7 SETBACKS (This section shall not apply in any planned development zone.)

- A. Setbacks in all zones have been established for the following purposes:
 1. To complement the scale of the land use.
 2. To provide an appropriate streetscape proportional to the lot sizes allowed.
 3. To provide a certain character to an area based on the uses allowed.
 4. To provide for the interrelationship between principal uses.
 5. To provide desirable structure separation from traffic corridors and adjoining uses.
 6. To aid a community need for possible solar energy uses.

- B. When doubt may exist in establishing a minimum setback distance, the property owner shall provide the Department with a survey by a registered land surveyor to determine such measurements.
- C. Front yard setback requirements are established in this Code relative to the classification of the abutting street/road set forth in the adopted plans and policies. The minimum allowable front yard setback for all residential zone districts shall be twenty feet from the property line or the setback required in the specific zone, whichever is greater.
- D. Structures shall meet the front yard setback from all abutting streets.
- E. Architectural features such as cornices, canopies, eaves, or similar features may extend into a required setback area up to four feet but in no case closer than three feet to any lot line.
- F. Porches, patios or decks which are open and uncovered may extend into any required setback area not more than six feet but in no case closer than three feet to any property line.
- G. Carports may be located within the required side yard or rear setback area up to one-half of the required setback for principal structures but in no case closer than three feet to the lot line. That portion of carports which intrude into the required setback shall remain open.
- H. Fire escapes may extend into a required setback area a maximum of six feet.
- I. Accessory structures on the front half of a parcel must meet all principal structure setbacks.
- J. More than one parcel of land in the same ownership may be used for a principal use and to satisfy setback requirements for structures, provided the owner records a statement committing attachment of the necessary area of the parcels required for the principal use and its setbacks.
- K. The following special setbacks will be used where applicable:
 - 1. Fourth and Fifth Streets, between Ute Avenue and Belford Avenue, as legs of one-way pair shall be treated as collector streets for the purpose of setback calculations.
 - 2. Ute and Pitkin Avenue, as a State-designated highway and legs of a one-way pair shall require a minimum setback of fifty feet from the centerline of the right-of-way.

5-1-8 LOT AREAS

- A. Lots serviced by an on-site sewage disposal system shall meet the requirements of both this Code and the Mesa County Health Department. The determination of area shall be made in accordance with Health Department requirements and standards.

- B. Essential unoccupied public utility installations, such as substations, shall be permitted to occupy an area smaller than the minimum lot area prescribed by this Code. Parcel coverage requirements shall not apply.

5-1-9 HOME OCCUPATION

- A. A home occupation shall be considered as an allowed accessory use in those zones indicated by Section 4-3-4, Use/Zone Matrix, providing that the following conditions are met.
 - 1. The home occupation may not result in the alteration of the appearance of the dwelling unit or the lot on which it is located.
 - 2. The home occupation may not result in the production of any noise or vibration (except that produced by arriving or departing), light, odor, dust, smoke, or other similar effects detectable outside the dwelling unit by the sense of normal human beings.
 - 3. No person outside of those dwelling in the residential unit may be employed in the home occupation.
 - 4. The home occupation may not attract more than six persons per day to the dwelling unit.
 - 5. No more than 20 square feet of storage of goods or materials related to the home occupation is permitted.
- B. Signage allowed for a home occupation shall be only that signage permitted in residential zones by Section 5-7 of this code.
- C. The conducting of a day care center for not more than six children and the instruction of not more than six students per day in music (without electronically amplified sound), arts, crafts, or other similar instruction, may be considered an acceptable home occupation without compliance with paragraphs 5-1-9A.4 and 5 above.
- D. The Department shall review all proposed home occupations for compliance with the requirements of this Code. A home occupation which is found in violation of any of the provisions of this Section (5-1-9), or other applicable portions of this Code, shall cease operations until the violation has been corrected.

5-1-10 BUSINESS RESIDENCE

- A. A business residence is intended to be a primary residence within a business structure for the owner, operator, or employee of that business. This allowance is not intended to permit general residential uses in business or commercial areas.
- B. A business residence shall be considered an accessory use in the B-1, B-3, C-1 and C-2 zones. This accessory use shall fall under the same procedures and requirements as the primary business use with which it is associated (see Use/Zone Matrix, Section 4-3-4) and shall also be subject to the following conditions:

1. The residential unit shall comply with all appropriate Building and Fire Codes and with all applicable portions of this Code.
2. A business residence shall be limited to one single family dwelling unit per primary business or structure and shall be occupied only by the owner, operator, or employee of the primary business and his immediate family.
3. The residence must be located within a structure used primarily for business purposes.
4. A minimum of two parking spaces must be provided for the dwelling unit in addition to the business parking requirement.
5. Other conditions as required by the appropriate review and approval process.

5-2 CITY PROPERTY

5-2-1 Use of City property (excluding road/street right-of-way, see 5-3).

- A. The City Manager shall administrate and be responsible for all City owned property, and shall authorize any use of such property by any private person, group, organization, or other governmental agency.
- B. Any use authorized in A. above shall conform to all zoning requirements of this Code and shall not conflict with adopted plans and policies.

5-3 STREETS

5-3-1 PUBLIC RIGHT-OF-WAY USE

- A. No structures, fences, signs, or other permanent objects shall be constructed or erected in a public right-of-way without obtaining a revocable permit from the governmental agency responsible for the right-of-way. This does not apply to objects erected by an authorized public official for the purpose of maintaining the public health, safety, and welfare of the users of rights-of-way (i.e. traffic control devices, street signs, public notices, utility poles and lines, etc.), or to those street banners authorized under section 5-7-7B.2.b.
- B. No part of any right-of-way shall be used for the storage, display or sale of goods and merchandise without approval of the Governing Body. Procedures, standards and criteria for approvals shall be established by the Governing Body.
- C. Commercial vehicles parked in public right-of-way abutting residentially zoned areas shall not exceed 1 1/2 tons rated carrying capacity.

5-3-2 TRAFFIC VISIBILITY In order to minimize the traffic hazards at intersections, the following regulations shall apply:

- A. No wall, fence, shrub, plant or any other item shall be erected or grown to a height exceeding thirty inches above grade in the triangular area as shown in Figure F5-3-2.

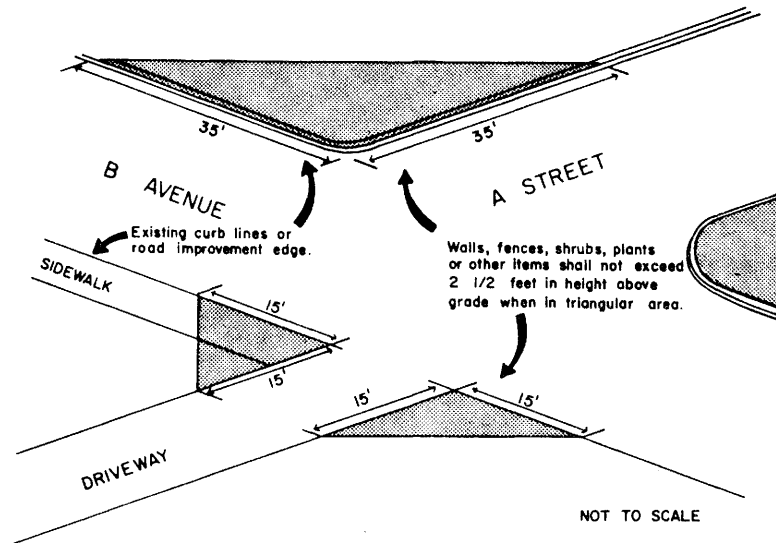


FIGURE F 5-3-2 LINE OF SIGHT REQUIREMENTS

5-3-3 PARTIALLY DEDICATED STREET - No building permit shall be issued for the construction of a structure, an addition to an existing structure, or a change of use in an existing structure, on a parcel abutting that side of a street from which all dedication has not been made as required by the adopted street classification. Upon receipt of the appropriate deed, the building permit shall be issued.

5-3-4 STREET NAMING AND ADDRESSING SYSTEM - A street naming system shall be maintained to facilitate the provisions of necessary public services (police, fire, mail), reduce public costs for administration, and provide more efficient movement of traffic. For consistency, this system shall be adhered to on all newly platted, dedicated, or named streets and roads. The Department shall check all new street names for compliance to this system and issue all street addresses. Existing streets and roads not conforming to this system shall be made conforming as the opportunity occurs (see Figure F5-3-4).

A. Street and Road Naming

1. Streets running east and west are "avenues."
2. Streets running north and south are "streets."

3. Streets running east and west, parallel to and connecting with an "avenue," should be a "drive."
4. Streets running north and south, parallel to and connecting with a "street," should be a "way."
5. "Avenues," "streets," "drives," and "ways" must be continuous through more than one major block. This shall include future planned extensions.
6. Streets running east and west, between established grids, should take the name of the "avenue" preceding and be designated a "place."
7. Streets running north and south, between established grids, should take the name of the "street" preceding, and be designated a "lane."
8. Horseshoe-shaped streets beginning and ending within a major block should be a "circle."
9. All cul-de-sacs not planned for future connection to another street shall receive the designation "court."
 - a. Courts directly in line with and connecting to the end of an "avenue," "street," "drive," or "way" shall receive the name of that avenue, etc. with the designation "court."
 - b. Courts at right angles to a street shall receive a name substantially different from that street. If possible, such a court shall receive the same name as that of a street with which it is aligned, unless this would create undue confusion or unless the name is already used by an existing court. In this case, the court shall receive the name of that street plus a prefix or suffix such as "wich," "ford," "ville," etc.
10. "Places," "lanes," "circles," and "courts" shall be within only one major block. This includes future planned extension.
11. Street names should be continuous through subdivisions where they align.
12. Proliferation of street names with the same prefix within a subdivision or in the general vicinity is discouraged.
13. Duplication of street names shall not be permitted unless consistent with that section.
14. Should situations arise which are not covered, street names will be coordinated by the Department with service-providing agencies (police, fire, post office, etc.)

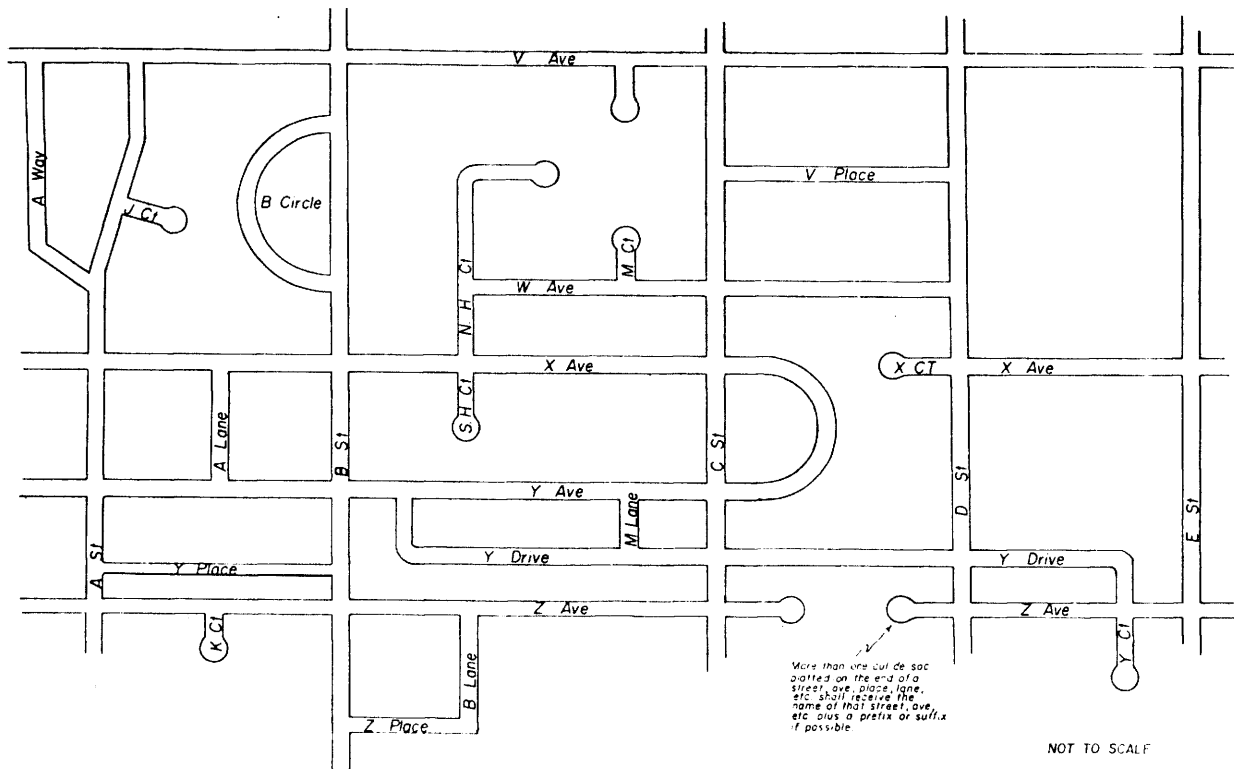


FIGURE "F 5-3-4

UNIFORM STREET NAMING GUIDE

B. Addressing

1. North and east sides of streets and roads shall receive addresses ending in even numbers.
2. South and west sides of streets and roads shall receive addresses ending in odd numbers.
3. Addresses within the City limits of Grand Junction west of 28 Road and south of G Road will consist of one number (even or odd) every twelve and one-half feet.
4. Addresses in areas of the City excluded in 3. above will consist of one number (even or odd) every one hundred and five feet.
5. Addresses lying north of Main Street will have a "North" prefix to the street name if said street exists both north and south of Main Street. Addresses lying south of Main Street shall receive a "South" prefix under the same condition. Addresses east or west of First Street will similarly use a "West" or "East" prefix.

5-4 DESIGN STANDARDS AND DEVELOPMENT REQUIREMENTS

5-4-1 STREETS, ALLEYS AND EASEMENTS

- A. Street layouts shall conform to adopted plans and policies as well as the City adopted Street and Road Standards. The developer shall not be permitted to reserve a strip of land for the purpose of controlling access to a street.
- B. Alleys in residential subdivisions shall not be permitted except to continue an existing pattern. Alleys may be proposed in commercial and industrial areas to provide access to service areas. Alleys that are provided shall conform to the adopted Street and Road Standards.
- C. Easements shall be provided along lot lines as required for utilities. Alleys that are available may be used as a substitute for some easements.
- D. A developer shall be required to dedicate rights-of-way for public streets and easements that are needed to serve the area being developed. Existing roads in or adjoining the site being developed shall be dedicated to the minimum width required by the classification.

5-4-2 LOTS AND BLOCKS

- A. All blocks shall have a length of at least four hundred feet but not more than eight hundred feet.
- B. No parcel created under this Code shall have less area than required under the applicable zoning requirements.
- C. Each lot or parcel shall provide vehicular access to a public street. Parcels with a front and rear street frontage shall be permitted only where necessary to provide separation from arterial streets or incompatible land uses. Rear yards fronting on arterial streets shall be fenced with a minimum six foot high solid fence.
- D. Side parcel lines shall be substantially at right angles or radial to street right-of-way lines.

5-4-3 IRRIGATION SYSTEMS AND DESIGN

- A. If irrigation water is to be made available in a development, it shall be the responsibility of the developer to install an approved delivery system. Such a system shall meet minimum delivery requirements for the development and shall encompass the control of waste water, drainage water, and surface water resulting from irrigation; and protect and deliver the water rights of others using the same water source.
- B. The developer may elect one of the following irrigation systems to provide irrigation water to parcels and other areas within the development:

5-6-8 EROSION CONTROL PLAN - This plan shall consist of reports and maps showing:

- A. Adequate sedimentation control which shall be accomplished throughout construction phases as well as during the ongoing operation of the use.
- B. Any necessary permanent sedimentation control structures and/or facilities to mechanically stabilize the soil (e.g. sedimentation ponds, dikes, seeding, retaining walls, rip rap, etc.).

5-6-9 HISTORICAL/ARCHAEOLOGICAL REPORT - This report shall consist of narrative and maps necessary to identify sites of historical and/or archaeological significance. The sources of information used in preparing the report shall be listed.

5-6-10 IMPROVEMENTS AGREEMENT - This agreement shall consist of an itemized listing of public improvements required for a development or land use with specific quantity and cost. This agreement shall be on a form provided by the Department.

5-6-11 IMPROVEMENTS GUARANTEE - This guarantee shall consist of one or more security arrangements which secure the construction of such public improvements as are shown on the Improvements Agreement. The type of acceptable guarantees shall be determined by policy of the Governing Body (see also 5-4-11).

5-6-12 DEVELOPMENT SCHEDULE - This schedule shall consist of projected dates for the beginning and completion of a project. If the project is proposed in stages, each stage shall have a development schedule.

5-6-13 SITE PLAN - This plan shall consist of a map of a parcel showing the following information where applicable:

A. Location and dimensions of existing features of the site including:

- 1. Adjoining streets and highways
- 2. Drainage courses
- 3. Major landscape features
- 4. Structures, fences and other manmade features of the site
- 5. Adjacent uses

B. Location and dimensions of all proposed changes to the site including:

- 1. Structures and fences
- 2. Drainage features
- 3. Drives, parking and loading areas
- 4. Accessory uses and service areas
- 5. Landscape plan including screening
- 6. Building elevators or descriptions
- 7. Trash collection areas

5-7 SIGN REGULATION

5-7-1 PURPOSE AND SCOPE - The purpose of this regulation is to manage exterior signs. The proliferation and disrepair of signs can deter the effectiveness of signs, cause dangerous conflicts with traffic control signs and signals, and contribute to visual pollution to the detriment of the general public.

5-7-2 PROHIBITED SIGNS ARE SIGNS WHICH:

- A. Contain statements, word, or pictures of an obscene, indecent or immoral character.
- B. Contain or are an imitation of an official traffic sign or signal or contain the words: stop, go slow, caution, danger, warning or similar words.
- C. Are of a size, location, movement, content, coloring or manner of illumination which may be confused with, or construed as a traffic control device or which hide from view any traffic or street sign or signal.
- D. Flash, move, blink, change color, chase or have other animation effects except the following:
 - 1. Time and temperature signs.
 - 2. Revolving signs which do not exceed the rate of seven revolutions per minute. Such rotating displays shall be engineered to maintain rotations at a rate not to exceed seven revolutions per minute under a wind load of thirty pounds per square foot. Revolving beacon lights are not permitted.
- E. Contain or consist of portable signs, tent signs and strings of light bulbs not permanently mounted on a rigid background.
- F. Are wind-driven signs (see Definition).
- G. Are erected after adoption of this Code and do not comply with the provisions of this regulation.

5-7-3 EXEMPTIONS - The following types of signs are exempt from all the provisions of this Code, except for construction and safety regulations and the following requirements:

- A. Public Signs: Signs of a non-commercial nature and in the public interest, erected by, or in the order of, a public officer in the performance of his duty, such as but not limited to safety signs, danger signs, trespassing signs, traffic signs, memorial plaques, signs of historical interest, informational signs and the like.
- B. Institutional: Permanent signs setting forth the name of any public, charitable, educational or religious institution, located entirely within the premises of that institution, up to an area of twenty-four square

feet. If building mounted, these signs shall be flat wall signs and shall not project above the roof line; if ground mounted, the top shall be no more than six feet above ground level.

- C. Integral: Names of buildings, dates of erection, monumental citations, commemorative tablets and the like when carved into stone, concrete or similar material or made of metal, bronze, aluminum, or other permanent type construction and made an integral part of the structure.
- D. Private Traffic Direction: Signs directing traffic movement into a premise or within a premise, not exceeding three square feet in area for each sign. Illumination of these signs shall be permitted in accordance with the section on illumination. Horizontal directional signs on and flush with paved areas are exempt from these standards.
- E. 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.
- F. Temporary decorations or displays clearly incidental and customary and commonly associated with national or local holiday celebrations.
- G. Rear entrance signs, when associated with pedestrian walk-through buildings. These signs shall not exceed sixteen square feet in area and shall be flush mounted, identifying only the name of the establishment and containing directional information.
- H. Temporary signs not advertising a product or service offered for sale and not in excess of six square feet may be erected as participation in a public parade, event, or celebration for a period not to exceed ten days.
- I. Menu signs at drive-in restaurants which are not designed to be read from the public right-of-way or signs not visible beyond the boundaries of the lot or parcel upon which they are located or from any public right-of-way.
- J. Private warning or instructional signs such as "NO SOLICITING," "NO TRESPASSING," "BEWARE OF DOG," or other similar types of signs not exceeding one and one-half square feet per sign.

5-7-4 TEMPORARY SIGNS - The following on-premise temporary signs shall be allowed in all zones and shall not require a permit.

- A. A land sales sign, non-illuminated, advertising the sale or development of land containing an area of not less than five lots, or one acre. The size of sign shall not exceed thirty-two square feet, and not more than one sign shall be placed per parcel. Signs shall not be erected for more than one year on any parcel unless application for continuance is submitted to the Department. The Administrator may issue approval to continue the sign for an additional year.

- B. A real estate sign, non-illuminated, not to exceed six square feet in area, pertaining to the sale or lease of the premises on which it is located. This sign shall not be erected for more than one year for any parcel. The sign shall be removed within twenty-four hours after the transfer of title or the signing of the lease. During the period of time between the execution of a contract for sale or lease and the finalizing of the same, a "sold," "sold by," or similar sign will be permitted as long as the maximum size of six square feet is not exceeded.
- C. A contractor's sign, non-illuminated, advertising the development or improvement of a property by a builder, contractor, or other person furnishing service, materials, or labor to the premises during the period of construction. The size of the sign shall not be in excess of thirty-two square feet. The signs shall be removed within twenty-four hours after certificate of occupancy is issued.
- D. "Grand Opening" temporary signs shall be allowed for one week. This allowance may be used only once by specific business and/or ownership. Temporary signs used in conjunction with grand opening may not be ones prohibited by section 5-7-2, paragraphs A through D, and paragraph F.
- E. A produce sign, not exceeding 16 square feet, advertising the sale of produce grown on the premises. Only one sign per street frontage shall be permitted.
- F. Corporation flags, limited to one flag per parcel, when flown in conjunction with the United States or State of Colorado flags.

5-7-5 NON-CONFORMING SIGNS

- A. All portable signs, tent signs, strings of lightbulbs not permanently mounted on a rigid background, (other than traditional holiday decorations), posters, wind-driven signs, and sign which were illegal prior to the adoption of this Code shall be removed upon the final adoption of this Code..
- B. All signs with flashing, moving, blinking, chasing, or other animation effects not in conformance with the provisions of this Code shall be made to cease these effects within ninety days after the final adoption of this Code.
- C. All other non-conforming signs shall be removed or made to conform to the provisions of this Code by May 1, 1984, as per Ordinance #1617 effective April 24, 1976. Any non-conforming sign which has been damaged in excess of fifty percent of its replacement cost by fire, wind or other cause except vandalism shall not be restored without conformance with the provisions of this regulation.

5-7-6 GENERAL REQUIREMENTS - The following requirements shall apply to signs in all zones unless otherwise indicated.

- A. Permits shall be required for all new signs. The alteration of sign faces by painting or overlay shall be considered as construction of a new sign.
- B. Touching up or repainting existing letters, symbols, etc., shall be considered maintenance and repair and shall not require a permit.
- C. Permits for signs shall be obtained only by a licensed sign contractor.
- D. All signs shall be located on the premises to which they refer unless they qualify as off-premise signs under this regulation and all signs shall be permanent in nature except for those signs allowed in 5-7-4, or to those street banners authorized under section 5-7-7B.2.b.
- E. All exterior signs shall be engineered to withstand a minimum wind load of thirty pounds per square foot.
- F. Signs which identify businesses, goods, or services no longer provided on the premises shall be removed within ninety days after the business ceases.
- G. No sign shall be permitted which is placed on any curb, sidewalk, post, pole, hydrant, bridge, tree or other surface located on public property including the posting of handbills except as may otherwise expressly be authorized by this regulation.
- H. The following shall apply to the measurement of signs:
 1. The total surface area of one sign face of free-standing signs, roof signs and projecting wall signs shall be counted as part of the maximum total surface area allowance. FOR MEASUREMENT OF DIFFERENT SHAPES OF SIGNS, SEE FIGURE F5-7-6H AS FOLLOWS:

MEASUREMENT OF SIGNS

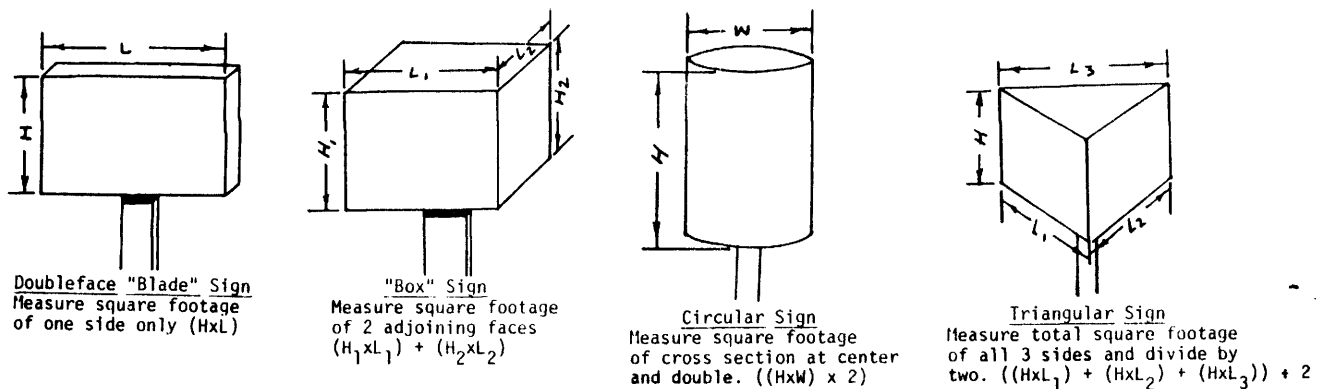


Figure F5-7-6H

2. The area of flush wall signs with backing or a background that is part of the overall sign display or when backed by a surface which is architecturally a part of the building shall be measured by determining the sum of the area of each square, rectangle, triangle, portion of a circle or any combination thereof which creates the smallest single continuous perimeter enclosing the extreme limits of each word, written representation (including any series of letters), logo or figure including all frames, face plates, non-structural trim or other component parts not otherwise used for support.

I. Illumination of all signs covered under this Code shall meet the following conditions and criteria:

1. The light from any illuminated sign shall be so shaded, shielded and directed that the light intensity or brightness will not be objectionable to surrounding areas.
2. Neither the direct or reflected light from primary light sources shall create a traffic hazard to operators of motor vehicles on public thoroughfares or approaches to public thoroughfares.
3. No exposed reflective-type bulbs or incandescent lamps which exceed forty watts shall be used on the exterior surface of a sign to expose the face of the bulb, light or lamp to any public street or adjacent property.

J. Identification and Marking - Each sign requiring a permit hereafter erected or remodeled shall bear, in a permanent position, an identification plate stating the following information.

1. Date the sign was erected
2. Name of person, firm or entity responsible for the construction and erection

5-7-7 SIGN STANDARDS BY ZONE - The following sign standards by zone are intended to include every zone established by this Code. Only signs as described herein and as may be described within this regulation (5-7-6) and exemptions (5-7-3) shall be permitted in any zone.

A. Residential Zones

1. General: This section of the Code shall apply to all residential zones.
2. Types Allowed:
 - a. A bulletin sign, not to exceed twenty-five square feet per face, may be erected upon the premises of a church or other medical, public or charitable institution for the purpose of displaying the name of the institution and its activities or services.

- b. One identification sign shall be allowed for each apartment building or complex not to exceed thirty-two square feet in area and, if lighted, shall utilize indirect illumination only, and contain only the building or complex name and name of the agent.
- c. Signs advertising any subdivision or other project being developed in the City will be governed by the following:
 - 1) Signs in the model home area and on the subdivision site shall not exceed a total aggregate of two hundred square feet.
 - 2) Permanent on-site subdivision signs shall be allowed provided each sign does not exceed thirty-two square feet.
3. Location: Permitted signs may be anywhere on the property. If freestanding, the top shall not be over eight feet above the ground. If building mounted, the sign shall be flush mounted and shall not be mounted on a roof of the building or project above the roof line.
4. Illumination: Indirect or internal illumination only shall be utilized for letter faces and/or logos.

B. Business, Commercial, Industrial Zones

1. General: This section of the Code shall apply to all zones designated by the zoning chapter as business, commercial, industrial or any variety of these types.
2. Types Allowed:
 - a. Signs in the business, commercial, and industrial zones may include flush wall signs, free-standing signs, projecting signs and roof signs. All signs allowed in residential zones are also allowed in business, commercial or industrial zones. Real estate signs in these zones may be a maximum of sixteen square feet.
 - b. Temporary street banners across public thoroughfares announcing events sponsored by the City, Downtown Development Authority, School District #51, Mesa County, charitable organizations, or other non-profit organizations are authorized. The sponsoring agency shall obtain a permit from the Planning and Development Department which shall specify the time and limits of the banner, size in square footage, and exact location. Street banners shall be installed, removed, and maintained by the City. All street banners authorized by this Section shall refer only to the event in question and shall contain no advertising for any private product or service offered for sale.
3. Location and Size: Permitted signs may be anywhere on the premises except as specifically restricted in this regulation (see specific sign type) and the zoning regulation. The total amount of signage to

be allowed on any property shall not exceed the sign allowance as calculated in 5-7-5B.5.c or 5-7-7B.7.b whichever is greater. No single sign may be larger than three hundred square feet. No projecting sign may exceed the allowance in 5-7-7B.6.a.

4. Illumination: Unless specifically prohibited, all of the following signs may be illuminated within the limits allowed under 5-7-6I.

5. Flush Wall Signs and Roof Signs:

- a. The sign allowance shall be calculated on the basis of the area of the one building facade which is most nearly parallel to the street it faces. Each building facade which faces a dedicated public street shall have its own separate and distinct sign allowance.
- b. In the event a building does not have frontage on a dedicated public street, the owner of the building may designate the one building facade which shall be used for the purpose of calculating sign allowance. In the event the only building facade which faces on a dedicated street contains no commercial display area, the property owner may designate another building facade on the building on the basis of which the total sign allowance shall be calculated.
- c. Two square feet of sign area shall be allowed for each linear foot of building facade for flush wall signs and roof signs. Flush wall signs may extend up to twelve inches from the face of the building if the base of the sign is at least eight feet above ground level. (Show window signs in a window display of merchandise when incorporated with such display will not be considered part of the total sign allowance.)
- d. On any building which allows flush wall signs, roof signs, or projecting signs, a maximum of two of these types may be used. If a flush wall sign and roof sign are used, the sign allowance of two square feet per linear foot of building may be divided between the two. If a flush wall sign or roof sign and a projecting sign are used, the allowance for the projecting sign shall be subtracted from the flush wall sign or roof sign allowance.
- e. Roof signs shall be manufactured in such a way that they appear as an architectural blade or penthouse and are finished in a manner that the visual appearance from all sides is that they appear to be a part of the building itself. No visible guy wires, braces, or secondary supports shall be used. Maximum height for roof signs shall be forty feet above grade.

6. Projecting Signs:

- a. Signs may project up to seventy-two inches from the face of the building if located eight feet or more above grade but shall not project beyond the back of curb. Total area per sign face shall not exceed one-half square foot per linear foot of building facade. If the projecting sign is the only sign mounted on the building, it need not be less than twelve square feet per face.
- b. On places of public entertainment such as theaters, arenas, meeting halls, etc., where changeable copy signs are used which project over public domain, the projection may be one-half foot for each linear foot of building frontage provided that they do not extend further than four feet back of the curb face.

7. Free-Standing Signs Shall Comply With the Following Chart and Requirements:

- a. No more than one free-standing sign shall be permitted for any parcel for each street frontage. The sign allowance per frontage can only be used on that frontage and shall not be transferred to any other frontage.
- b. Maximum sign allowance shall be calculated by the linear front foot of property on a public right-of-way in conformance with the following table:

Two Traffic Lanes: Maximum area of sign per face per front foot of property, .75 square foot; maximum height, 25 feet. Four or more traffic lanes: Maximum area of sign per face per front foot of property, 1.5 square feet; maximum height, 40 feet.

- c. Signs may be installed at street right-of-way line. The sign face may project up to 72 inches into the right-of-way, if located 14 feet or more above grade, but shall not project closer than 24 inches to the back of the curb. If the existing street right-of-way width is less than that required in this Code, the distance shall be measured from the line of such right-of-way as required by this Code rather than from the existing right-of-way line. Single legs of one way pairs shall be treated as four lane roads.
- d. On a corner lot a free-standing sign shall not be placed within fifteen feet of the intersection of the two street frontage property lines unless free air space is maintained between a point 36 inches above street elevation and a point 72 inches above street elevation. A single pipe support with no sign structure or copy shall not be considered a violation of the free air space requirement.
- e. When electrical service is provided to free-standing signs, all such electrical service shall be underground.

8. Off-Premise (Outdoor Advertising Sign): Off-Premise signs erected on ground or wall locations (and roof locations done within the regulations and limitations of roof signs) shall only be permitted in the C-2 (Heavy Commercial) and I-1 and I-2 (Industrial) zones, subject to the following conditions:
- a. Height Limitations: No off-premise sign shall be erected higher than forty feet above the level of the street or road upon which the sign faces, or above the adjoining ground level if such ground level is above the street or road level. No off-premise sign shall have a surface or facing exceeding three hundred square feet in area or containing less than fifteen square feet in area.
 - b. Distance: For each square foot of surface or facing of the sign, two feet of space from adjacent off-premise signs shall be maintained. Such distances shall be determined by using the largest sign as criterion. For example, no sign can be erected closer than six hundred feet to an existing three hundred square foot sign. A MAXIMUM OF ONE OFF-PREMISE SIGN SHALL BE ALLOWED PER PARCEL OF LAND.
 - c. Service clubs may be allowed one common off-premise sign, in any zone, adjacent to each major highway, to a maximum of five signs. These signs do not have to comply with a. and b. above but must receive site plan approval by the Planning Commission as to size, height, placement and impacts on traffic and adjacent properties.
9. Planned Developments, Conditional Uses, H.O. Zone: Properties in a Planned Development Zone, H.O. Zone, or Conditional Use Site shall have the signs on the property reviewed and approved as part of the development plan. Variance of the maximum total surface area of signs shall not be permitted, but the maximum sign allowance for the entire development or use may be aggregated and the total allowance redistributed.

5-7-8 REMOVAL AND DISPOSITION OF SIGNS

A. Maintenance and Repair

1. No person shall retain on any premises owned or controlled by them, any sign which is in a dangerous or defective condition. The Administrator shall require the removal or repair of any sign by the owner of the sign or the owner of the premises upon which it is located. In cases of immediate danger to the public due to the defective nature of a sign, the Administrator may cause the immediate removal of the sign, assessing the costs of the removal against the property. Such assessment shall be collected in the same manner as the real estate taxes on the property.
2. All signs shall be maintained in appearance as well as safety including the replacement of defective parts, painting, repainting, cleaning and other acts required for proper maintenance. Failure to properly maintain a sign shall be considered a violation of this Code.

- B. Abandoned Signs: Except as otherwise provided in this regulation, a sign which is located on property which becomes vacant and unoccupied for a period of three months or more, or a sign which pertains to a time, event or purpose which no longer applies, shall be considered abandoned. Permanent signs applicable to a business temporarily suspended because of a change of ownership or management of the business shall not be considered abandoned unless the property remains vacant for a period of six months or more. An abandoned sign is prohibited and the sign structure shall be removed by the owner of the sign or the owner of the premises. A sign which is not removed may be removed by the Administrator under the provisions of 5-7-8A.1.

5-8 FLOODPLAIN REGULATION

5-8-1 PURPOSE AND SCOPE - This regulation shall apply to all lands adjacent to a watercourse that would be inundated by a one hundred-year flood, or which may be considered flood-prone on the basis of on-site evidence. The intent of this regulation is to:

- A. Guide development and land use in the floodplain of any watercourse subject to flooding.
- B. Protect the public from avoidable financial expenditures for flood control projects, flood relief measures, and damages to public utilities, streets and bridges.
- C. Protect people and property within the floodplain by regulating the construction of buildings, and protect people downstream and/or upstream by restricting those uses which may be hazardous to life or property in time of flood, and ensure that structures placed in the floodplain are adequately floodproofed.

- D. Protect and preserve the inherent natural water-carrying and storage characteristics and capacities of all watercourses.
- E. Minimize or eliminate discharges or infiltration from waste disposal systems into flood waters.
- F. Provide notification to people purchasing lands which are unsuitable for building purposes due to flood hazards.

5-8-2 EXEMPTIONS

- A. This regulation shall not apply to channelization, rip-rapping, or other erosion-prevention measures conducted by the following:
 - 1. Agriculturists intending to protect crops from bank erosion.
 - 2. State, County and City highway personnel intending to protect existing bridges and highways.
 - 3. Colorado Division of Wildlife, when engaged in habitat improvement.
 - 4. Railroad personnel intending to protect existing bridges and track.
- B. Activities under this section, including the exemptions, may require a Department of the Army, Corps of Engineers, Section 404 Permit.

5-8-3 NON-CONFORMING USES - The existing lawful use of a structure or premise which is not in conformance with the provisions of this regulation may be continued subject to the following conditions:

- A. No use shall be expanded or enlarged except in conformance with the provisions of the regulation.
- B. Improvements exceeding fifty percent of the market value of any non-conforming structure or use shall require change of the entire use to conforming status.
- C. If the use is discontinued for twelve consecutive months, any future use shall conform to this regulation.

5-8-4 GENERAL REQUIREMENTS

- A. Administration
 - 1. Floodplain Development Permit applications shall be reviewed by staff based on criteria established in this regulation and by any flood evaluation data available from Federal, State or other professional sources. Staff shall ensure that building permits issued comply with this regulation and the other necessary permits required by Federal or State law.
 - 2. Prior to alteration or relocation of a watercourse, adjacent communities and the FEMA shall be notified.

3. Staff shall make necessary interpretations concerning the boundaries of flood prone, flood fringe, and floodway districts.
 4. Public records shall be maintained of all floodplain permits approved or denied. Records shall be submitted to the FEMA as required and include the elevation of the lowest floor for all new structures and structures improved over fifty percent of market value. Certificates of floodproofing shall be maintained as part of the Floodplain Development Permit file.
 5. No structure or land use shall thereafter be constructed, located, extended, converted, or altered in the floodplain without full compliance with the requirements of this regulation.
 6. Also see Chapter 10, Variances and Appeals, and Chapter 13, Definitions.
- B. Validity: A Floodplain Development Permit shall be valid for a period of one year from the date of issue. If substantial commencement of the original purpose of the permit has not begun at that time, the permit shall become invalid.
- C. Liability: The degree of flood protection intended to be provided by this regulation is considered reasonable for regulatory purposes and is based on engineering and scientific methods of study. Larger floods may occur or the flood height may be increased by manmade or natural cause, such as ice jams and bridge openings restricted by debris. This regulation does not imply that the areas outside floodplain area boundaries or land uses permitted within such areas will always be totally free from flooding or flood damages. This regulation shall not create any liability on the part of, or cause an action against, the Governing Body or any officer or employee thereof, or the FIA, for any flood damages that may result from reliance on this regulation.
- D. Floodplain Maps
1. The FEMA has conducted a flood insurance study dated July 6, 1982, for Grand Junction. This study, with the accompanying Flood Insurance Rate Map and Flood Boundary-Floodway Maps, are incorporated into this regulation and shall be referenced as 5-8-4E of the City of Grand Junction Zoning and Development Code. Amendments to the official maps or adoption of additional maps shall be accomplished under the procedures and requirements for rezoning (see 4-4).
 2. The official floodplain maps define only approximate boundaries of the floodplain. Precise determination of boundaries can only be made by a comparison of flood water elevation with ground elevation at a particular site. Projected flood water elevation data is normally obtained from the FIA Flood Profiles data, or from information determined by a qualified engineering study. If new or additional flood or ground elevation data becomes available, that data will take precedence over boundaries shown on the floodplain maps.
- E. Floodplain Maps (on file in the Department).

5-8-5 USES ALLOWED OR PROHIBITED

A. Floodplain Areas

1. Designated floodplain areas are usually divided into two subdistricts, the floodway and the flood fringe (see Figure F5-8-5). Where this distinction has not been made, or in areas categorized only as flood prone, a comparison between flood water elevations and ground elevations shall be necessary in order to make the distinction. Until the distinction has been made, the land shall be considered to lie within the floodway and shall be regulated by 5-8-6B below. After the distinction has been made, uses shall be regulated by 5-8-5B or 5-8-5C as applicable.
2. Any land use within a designated floodplain not specifically allowed or permitted by a Floodplain Development Permit is prohibited.

B. Floodway District

1. The following uses may be allowed subject to approval of a Floodplain Development Permit:
 - a. Private and public recreational uses, such as golf courses, tennis courts, picnic grounds, boat launching ramps, shooting preserves, fish hatcheries, swimming pools, open air theaters, or driving, archery, target, trap and skeet ranges, etc.
 - b. Utility transmission lines, communication towers, pipelines, roadways, water monitoring devices, and railroad rights-of-way, except railroad sidings and freight or passenger transfer and holding areas.
 - c. Open pit sand or gravel extraction, including portable processing equipment, but not related offices.
 - d. Any type of change, filling or realignment of a watercourse channel.
 - e. Subdivision of land. Staff shall review subdivision proposals and other proposed new development in a flood prone area, any such proposals shall be reviewed to assure that all such proposals are consistent with the need to minimize flood damage within the flood prone area; all public utilities and facilities, such as sewer, gas, electrical, and water systems are located and constructed to minimize or eliminate flood damage; and adequate drainage is provided to reduce exposure to flood hazards.
 - f. Water and wastewater treatment facilities for storage.
2. The following uses are specifically prohibited in the floodway district.

- a. Any alteration or relocation of a watercourse which reduces its flood-carrying capacity.
- b. Any use, obstruction or encroachment which would result in any increase in the elevation of flood waters at any point during the one hundred-year flood.
- c. Habitable dwellings, including mobile homes. Dwellings and mobile homes existing prior to the considered non-conforming uses subject to provisions of section 5-8-3 of this Code.
- d. Storage or processing of materials that are flammable, radioactive, poisonous, explosive, corrosive or which would pose a hazard to life and property during a flooding.
- e. Public or private overnight or recreational campgrounds or parks.
- f. Junk yards, salvage yards and wrecking yards of any kind.

C. Flood Fringe District

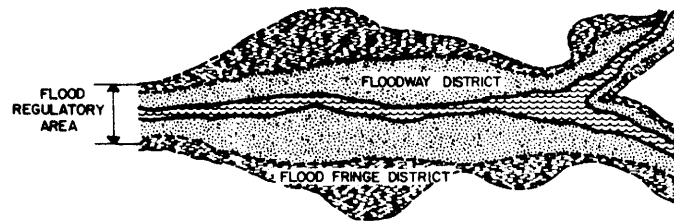
1. The following uses may be allowed subject to compliance with the provisions of this regulation.
 - a. Growth of agricultural crops or animals.
 - b. Private and public recreational uses, as listed in 5-8-5B.1.a.
 - c. Utility transmission lines, communication towers, pipelines and roadways.
 - d. Wildlife and nature preserves, game farms and fish hatcheries, but not related offices or shops.
2. The following uses may be allowed subject to approval of a Floodplain Development Permit.
 - a. All development allowed in accordance with the provisions of this Code except those specifically prohibited below:
 - 1) Any residential structure in which the lowest floor, including basement, is lower than one foot above the elevation of the one hundred-year flood.
 - 2) Junk yards, salvage yards, and wrecking yards of any kind.

5-8-6 FLOODPLAIN DEVELOPMENT PERMIT

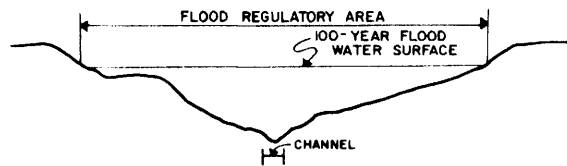
A. Procedure

1. The applicant shall schedule a conference with staff prior to a submittal.

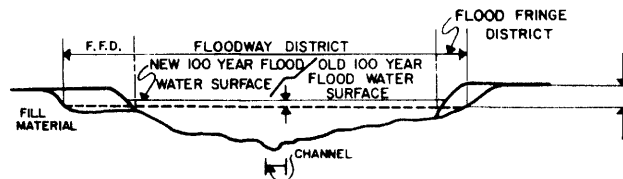
2. Applicant shall submit the required material to staff. Staff may send applications for review to other affected agencies in accordance with 2-2-2.
3. The Administrator may require that a second professional consultant be hired at the petitioner's expense when government expertise is either unavailable or inadequate to evaluate the submitted documentation. The Administrator shall use all technical information thus provided, determine the specific flood hazard at the site, and evaluate the suitability of the proposed use in relation to the flood hazard.
4. The staff shall approve, conditionally approve, or deny the application within thirty days of the submittal date. The decision, including the reasons and conditions, shall be stated, in writing, to the applicant.



PLAN VIEW



TYPICAL CROSS SECTION - UNDEVELOPED FLOOD PLAIN



TYPICAL CROSS SECTION - DEVELOPED FLOOD PLAIN

FIGURE F 5-8-5 FLOOD PLAIN DISTRICT AND PROFILE ILLUSTRATION

1. Open concrete-lined ditch system.
2. Underground pipe gravity flow system.
3. Underground pressurized system.

5-4-4 POTABLE WATER SYSTEM

- A. All water treatment and distribution systems, whether individual or public, shall comply with all regulations and specifications of the State and County Health Departments.
- B. A public water treatment and distribution system shall be required in all developments.
- C. Fire hydrants shall be placed and have fire flow capabilities in accordance with the requirements of the local jurisdiction providing fire protection.
- D. Water lines, where required, shall be designed to connect each parcel with mains in accordance with applicable engineering standards.

5-4-5 SANITARY SEWER SYSTEM

- A. All sewage disposal and treatment systems shall comply with all laws, regulations and specifications of the State and Local Health Departments and shall be located and constructed in a manner that will not pollute or endanger wells or other water sources.
- B. A public sanitary sewer collection system and treatment facility shall be required for all developments.
- C. Developments lying within a designated 201 Planning Area shall comply with that adopted plan.

5-4-6 PUBLIC SITES, PARKS, AND OPEN SPACES

- A. All new developments shall be required to make payment to the escrow funds for park acquisition and/or development.
 1. Five percent of the appraised value of the gross land area included in the plat, determined immediately prior to the submittal of the preliminary plan, shall be assessed. The amount determined shall be tendered after the final plat approval prior to recording. The value shall be determined, at the developer's expense, by an accredited real estate appraiser (member of American Institute of Real Estate Appraisers or Society of Real Estate Appraisers) not otherwise involved in the development. In the event final plats of the area are filed in sections, the amount determined shall be payable proportionately based on gross area included in the plat being submitted for approval. All money received shall be used by the City to acquire or develop land for parks and open space.
 2. The Governing Body may consider the dedication of public site, park and/or open space areas in lieu of payment to the escrow fund. The dedication of land area shall not be less than equal to the payment value and in accordance with adopted plans and policies.

5-4-7 CAMPGROUNDS

A. Public Recreational Campgrounds shall meet the following standards:

1. Campgrounds shall not be used as permanent residences except for the owner or manager and permanent maintenance personnel.
2. Towed vehicles within the campground shall not exceed eight feet in width.
3. The length of stay in any campground shall not exceed ninety days. Extensions for one additional ninety-day period may be granted by staff on an individual basis. An extension shall be requested, in writing, by the owner or manager of the campground.
4. Separate camping areas shall be maintained for independent units, dependent units, and tents.
5. Camping sites shall be a minimum of one thousand two hundred fifty square feet and at least twenty-five feet in width.
6. Campsites shall be spaced so that there is at least ten feet between sites, eight feet from the interior roadways, fifty feet from exterior roadways, and fifteen feet from property lines.
7. Parking spaces and interior roadways shall be paved or treated to reduce dust.
8. Sewage and solid waste disposal facilities shall meet Colorado Department of Health standards and regulations.
9. If provided, electric and gas service shall meet all state and local electric and gas regulations. All utilities shall be underground.
10. At least one public telephone shall be provided if service is available.
11. Interior roadways must comply with Colorado Department of Health standards as well as the requirements of this Code.
12. Walkways within the campground area shall be minimum four foot width with an all-weather surface.
13. Streets and walks shall be lighted every four hundred feet, conforming to the overall design of the campground.
14. Service buildings with restroom and other facilities shall be provided in accordance with Colorado Department of Health standards.
15. All areas within the campground must have an acceptable form of groundcover to prevent erosion and blowing dust.

16. One tree of a species suitable for the area shall be provided for each two camping areas.
 17. All trash collection areas shall be screened, and protective fencing shall be provided around hazardous areas.
 18. Recreational campgrounds shall comply with all requirements of this Code.
- B. Overnight Campgrounds shall meet all standards established for Public Recreational Campgrounds in addition to the following:
1. At least one clothes washing machine shall be provided for the first ten spaces plus one for each additional fifteen spaces. Clothes dryers shall be provided as needed. These requirements may be waived by staff if adequate facilities exist in the surrounding area.
 2. Each campground shall provide a recreational area consisting of one hundred and five square feet per campground space.
 3. Adjoining residential areas shall be screened by a six foot solid fence.
 4. Each campground shall provide at least one full-time attendant. A permanent record of registrations must be maintained.
 5. Each campground must comply with all other requirements of this Code.

5-4-8 NATURAL RESOURCES - Natural resources, especially mineral resources, shall be protected. In the event that development is proposed in an area of known mineral deposits, the development applicant shall provide an estimate of the economic value by a registered engineer prior to approval of development. The Governing Body will make an evaluation of the value of both the resource and the cost of extraction prior to development of the property. The Governing Body may delay development approval until extraction has been accomplished or protection provided within the design of the development.

5-4-9 EXTRACTIVE USES - The following standards shall apply to all extractive uses requiring a permit under this Code:

- A. No excavating, drilling or processing shall occur closer than thirty feet to any abutting property line or nearer than one hundred twenty-five feet to any existing residence.
- B. Applicants for any extractive use permit shall comply with all state requirements.
- C. Access to extractive use operations shall require approval by the City Engineer.

- D. Processing, stockpiling and loading may be permitted as an accessory use to the extractive operation if the processing, stockpiling and loading is for materials produced from that site.
- E. Restoration of the site shall be determined at the time of permit application. Restoration shall be accomplished in accordance with the approved plan.

Conditions which may affect the type of restoration required are:

- 1. Hazard to the public.
 - 2. Public health considerations.
 - 3. Feasibility and desirability of leveling and restoring topsoil.
 - 4. Compliance with the intents and requirements of this Code.
- F. Private haulage roads within the site shall be maintained in a reasonably dust-free condition.

5-4-10 PUBLIC IMPROVEMENTS - The following improvements shall be constructed in accordance with adopted standards and be the responsibility of the developer as required in the approved Development Improvements Agreement (Appendix). No improvements shall be made until required plans, profiles and specifications have been submitted and approved.

- A. Roads, streets and alleys in accordance with the City adopted standards.
- B. Street signs at all street intersections and street lights shall be required.
- C. Sanitary collection system.
- D. Water distribution system and fire hydrant.
- E. Storm drainage system and/or irrigation system as required.
- F. Utilities required by the plan such as telephone, cable t.v., electric and gas services. In the City all utilities shall be installed underground. Where applicable, utilities shall be in place prior to street or alley surfacing. Above ground facilities necessary to serve underground facilities, other installation of peripheral overhead electrical transmission and distribution feeder lines, or other installation of either temporary or peripheral overhead communications, distance, trunk or feeder lines may be allowed.
- G. Other improvements and/or facilities as may be required by the applicable approval process.
- H. Permanent reference monuments and monument boxes.

5-4-11 GUARANTEE OF PUBLIC IMPROVEMENTS - No development shall be approved until the developer has submitted one or a combination of the following:

- A. A development improvement agreement including a guarantee to construct all required public improvements, together with collateral which shall be sufficient to make provision for the completion of the improvements in accordance with the design and the development schedule, or
- B. Other agreements or contracts setting forth the plan, method and parties responsible for the construction of required public improvements which will make reasonable provision for completion of the improvements in accordance with the design and the development schedule.
- C. As improvements are completed, the developer may apply for a release of part or all of the guarantee. Upon inspection and approval, the Governing Body shall release the guarantee. If the Governing Body determines that any of the improvements are not constructed in substantial compliance with approved specifications and/or requirements, it shall furnish the developer with a list of specific deficiencies and shall be entitled to withhold collateral sufficient to ensure compliance. If the Governing Body determines that the developer will not construct any or all of the improvements in accordance with all of the specifications and/or requirements, the Governing Body will draw and expend for the deposit of collateral such funds as may be necessary to construct the improvements.
- D. Participation in Certain Streets - The City may share in the cost of constructing certain streets required in this Chapter on the following basis:
 1. In the case of arterial or collector streets, the City may participate in paving these streets, including engineering, site preparation, base and pavement mat. The portion of that participation shall be as per adopted policy.
 2. The Improvement Agreement shall establish and set forth the amount of the participation in construction of any collector or arterial street. No development shall be finally approved or recorded until such agreement has been entered into. Such agreement shall further provide that the participants will fully account for all costs incurred in the construction of any street in which the City is participating. The books and records of the participants relating to these improvements shall be open at all reasonable times for the purpose of auditing or verifying these costs.

5-4-12 COMPLETION OF IMPROVEMENTS

- A. Construction of Required Public Improvements
 1. Prior to commencing construction, the developer shall contact the appropriate agency for requirements on submittal of construction plans and inspection requirements.
 2. When the developer subcontracts for the service, the developer shall be responsible for construction.

3. Following construction, inspection, and approval of all or a portion of the required improvements, the developer may request, in writing, that the approved portion be accepted for maintenance by the appropriate agency. The agency shall establish the developer's limits of responsibility for the improvements. The limits may consist of a guarantee of materials and workmanship for a limited period of time, not to exceed one year, following the acceptance for maintenance.

B. Release of Improvements Agreement and Guarantee

1. The developer shall submit a written request for a release from the improvement agreement for the portion which has been accepted for maintenance by the appropriate agency as specified in 5-4-12A. This request shall be accompanied by proof of acceptance for maintenance and proof that there are no outstanding judgments or liens against the property.
2. The Governing Body, or its authorized representative, shall review the request. If the requirements of the improvement agreement concerning that portion requested for release have been complied with, the appropriate document of release shall be recorded with the County Clerk and Recorder's Office.
3. Release of the improvement agreement does not constitute Certificate of Completion and Release of Responsibility.

C. Certificate of Completion and Release of Responsibility

1. Upon expiration of the limits of responsibility established in 5-4-12A.3, the developer may request a Certificate of Completion and Release of Responsibility from the appropriate agency.
2. Upon issuance of the certificate and release, all responsibility for the improvements shall be assumed by the maintaining agency.

5-4-13 VARIANCES OF THIS SECTION (5-4) - The Governing Body may, after study and recommendation by the Planning Commission, authorize variances of this Chapter where, due to exceptional topographical, soil or other subsurface conditions or other conditions peculiar to the site, or an undue hardship would be caused to a developer by the strict application of any of the provisions of this Chapter. These variances shall not be granted if they would be detrimental to public good or impair the intent and purpose of this Section.

5-5 PARKING AND LOADING STANDARDS

5-5-1 OFF-STREET PARKING

- A. The minimum standards for off-street requirements shall be required for all new construction and expansions of existing uses unless otherwise acceptably provided. Off-street parking shall be reviewed under the site plan review process.
- B. Employee parking shall be addressed and accommodated off-street for all categories. The amount of employee parking and the distance it may be located from the proposed use shall be determined from information obtained through a statement of impact. The statement of impact shall address such things as:
 1. Type of use
 2. Number of employees (projected)
 3. Square feet of sales areas, service area, etc
 4. Parking spaces proposed on-site
 5. Parking spaces provided elsewhere
 6. Hours of operation
 7. Administration of parking area (enforcement and maintenance)
- C. All applicants shall be advised that in unusual or extreme circumstances, more than the minimum number of required parking stalls may be required.
- D. Applicability - In the case of a use not specifically mentioned, the off-street parking standards for a similar use shall apply.
- E. Location - The parking area shall be provided on the same property as the principal building wherever possible. In business, commercial and industrial districts, the parking may be within two hundred feet of the property, but within a zone allowing a parking use. Parking spaces in residential zones shall not be in a front yard setback except for single family structures (see 5-1-2).
- F. Joint Parking Facilities - The off-street parking requirements for churches, auditoriums, clubs or lodges may be supplied with other off-street facilities, if those other uses are not operated during the same hours and provided that:
 1. Off-street parking designated for joint use shall not be more than two hundred feet from the property or use it is intended to serve, except that employee parking may be further if it can be reasonably used.
 2. Sufficient evidence shall be presented to demonstrate that there will be no substantial conflict in a joint parking arrangement.

3. Evidence in the form of a written agreement between the owners (or other parties of interest) of the structures or uses for which joint parking arrangements are proposed shall be presented with the application for a building permit, and a copy of the agreement shall be maintained in the files of the Department.
- G. When an area provides parking spaces for more than fifteen cars, at least five percent of the total area of the parking lot shall be used for landscaping and/or aesthetic treatment. Part of this area may be required to have shade trees.
 - H. For each boundary line of a business parking area abutting directly on a residential use, there shall be a wall, screen fence, or screen planting of a year-round nature, six feet high except as limited (see 5-1-5 and 5-3-2).
 - I. The following requirements for parking spaces are to be retained in connection with the structures and uses indicated. In those instances where there are clearly identified multiple uses within a structure, or multiple structures, the minimum standards shall apply to each use or structure, resulting in a total parking requirement when summed. Parking shall be in the ownership or control of the owner of the use for which it is required, except as otherwise provided in this Section.

USE	PARKING REQUIREMENTS
1. All structures except single family, duplex, triplex, and fourplex	One bicycle rack
2. Theaters	One space per each four seats (designed seating capacity)
3. Bowling Alleys	Four spaces per lane
4. Elementary and Junior High Schools	Two spaces per classroom
5. High Schools	One space per each four persons (designed capacity)
6. Day Care and Nursery Schools	One and one-half spaces per employee
7. Hospitals	One space per each two beds + two spaces per each three employees per employee shift.
8. Nursing Homes	One space per each four beds + one space per each three employees per employee shift
9. Hotels	One space per unit

USE	PARKING REQUIREMENTS
10. Motels	One space per unit
11. Boarding Houses	One space per unit + one space per owner/manager
12. Clubs/Lodges/Churches	One space per each three persons (designed capacity)
13. Dormitories/Fraternities/Sororities	One space per each two beds
14. Offices, Banks, Medical-Dental Clinics, and Government Offices. . .	One space per three hundred square feet of floor area
15. Restaurants	One space per each three seats (designed seating capacity)
16. Bars/Nightclubs	One space per each two persons (designed capacity)
17. Mortuaries	One space per each five persons (designed seating capacity)
18. Retail Sales/Service	
a. High Volume Retail Sales (Consists of supermarkets, clothing and department stores, shopping complexes, hardware, building supplies, and similar uses)	One space per each two hundred square feet sales area (includes employee parking)
b. Low Volume Retail Sales (Consists of furniture/appliance sales, repair shops, nurseries, greenhouses, and similar uses)	One space per each two hundred fifty square feet sales area (includes employee parking)
19. Service Business (Consists of beauty/barber shops, animal hospitals, frozen food lockers, laundries, and similar uses)	One space per each three hundred square feet of sales area (includes employee parking)

USE

PARKING REQUIREMENTS

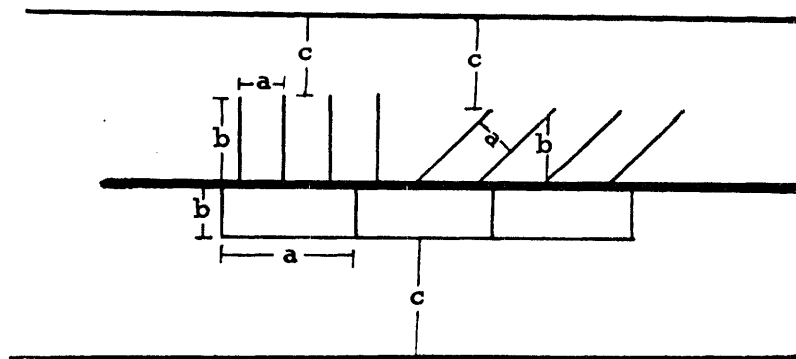
- 20. Vehicle Sales (such as automobile dealerships, used car sales, recreational vehicle sales, etc) An area equal to ten percent of the display area
- 21. Wholesale Business Employee parking plus ten percent of total employee stalls for visitor parking
- 22. Warehousing Employee parking only
- 23. Industrial/Manufacturing Employee parking plus ten percent of total for visitor parking
- 24. Residential Residential uses for all one family dwellings up to and including four family dwelling units--two spaces per dwelling unit. For all multi-family dwelling units, five and greater per structure--one and one-half spaces per dwelling unit, plus one space for every five spaces for recreational vehicles and/or visitor parking
- 25. All Conditional Uses To be determined in conjunction with conditional use process

J. In unusual circumstances, such as those cases listed below where the parking requirements create an extreme hardship, a reasonable reduction may be requested. Evaluation of a reduction shall be conducted under the provisions of the site plan review process. Examples of hardships which may be considered are as follows:

- 1. Uses where many employees or tenants do not own or drive vehicles due to age or other reasons.
- 2. Uses where the multiple use parking requirements may be inappropriate due to differing peaks of demand or related nature of uses.
- 3. Uses which operate on shifts where the actual demand at any one time would be less than the demand calculated on the total number of employees.
- 4. Uses which, if more than substantially damaged, could not reasonably provide the additional parking required by this Code if the use would be reconstructed.

K. Parking Stall and Aisle Dimensions

PARKING ANGLE	A	B	C
	STALL WIDTH IN FEET	STALL LENGTH IN FEET	AISLE WIDTH IN FEET
0°	22.0	9.0	12.0
	22.0	9.5	12.0
	22.0	10.0	12.0
30°	9.0	18.0	11.0
	9.5	18.0	11.0
	10.0	20.0	11.0
45°	8.5		13.0
	9.0	21.0	12.0
	9.5		11.0
60°	8.5		18.0
	9.0	21.0	16.0
	9.5		15.0
75°	8.5		25.0
	9.0	19.5	23.0
	9.5		22.0
90°	8.5		28.0
	9.0	18.5	25.0
	9.5		24.0



- L. One off-street parking space per dwelling unit behind the required front setback, for one commercial vehicle not to exceed 2 tons carrying capacity, may be allowed in a residential zone.
- M. In all zones other than single family, parking areas utilized after daylight hours shall be provided with lighting facilities for safety purposes.

5-5-2 ON-STREET PARKING

- A. All streets shall allow on-street parking unless prohibited by signing, striping, or painting.
- B. Street parking allowed adjacent to any land use shall not reduce the off-street parking requirements.

5-5-3 LOADING

- A. Site plans for proposed business, commercial or industrial uses shall show provisions for loading/unloading areas on the premises. These areas shall be reviewed for their impact on the site, the adjacent streets and the adjacent land uses.
- B. Truck loading and unloading may not take place on public right-of-way except in areas specifically designed and approved for this activity and shall at no time interfere with the normal flow of automobile or pedestrian traffic on any public street.

5-6 STANDARDS FOR REQUIRED REPORTS, STUDIES AND SPECIAL PLANS

In the event an application (rezone, subdivision, special or conditional use, building permit, etc.) requests a report, study, or particular plan, the following sets forth the minimum acceptable standards for each type of report, study or plan.

5-6-1 SOILS AND GEOLOGIC REPORT - This report shall consist of a written narrative and mapping properly titled, dated and signed by a qualified geologist or geological engineer, addressing the suitability of the site for the proposed development, the effects of the geology on the proposed use, or the proposed use on the geology, geological and flood hazards/limitations, and appropriate recommendations. This will be accompanied by a map showing soil types, boundaries and soil type interpretations, based on approved Soil Conservation Service information.

5-6-2 SUBSURFACE SOILS INVESTIGATION - This report shall consist of an investigation into the nature of subsurface soil conditions on a site. Test borings shall be spaced to obtain a comprehensive picture of subsurface soil conditions. Placement of the borings shall be indicated on a plan of the site. The qualified engineer responsible for the tests shall make foundation and road improvement recommendations.

5-6-3 RADIATION SURVEY - This survey must be conducted to meet minimum standards established by the State Health Department. A map shall be submitted showing the locations and readings of the survey.

5-6-4 FLOOD HAZARD REPORT - This report shall consist of a site plan showing the use and development of the site, identifying the flood areas, and a narrative discussing the effects of the flood areas on the site and describing measures to be taken to mitigate these effects. This report must be prepared, signed, and sealed by a qualified professional engineer or hydrologist of Colorado.

5-6-5 COMPOSITE UTILITIES AND ROADWAY PLAN - This plan consists of two parts: A and B. Parts A and B may be shown on the same document.

A. This shall consist of an improvement plan for street, water and sewer systems showing the following:

1. The locations of the lots, blocks and streets shown on the plan, and representative finished grades.
2. The locations, profiles, and line sizes of all sewer and water lines, manholes, fire hydrants and their relation to rights-of-way, easements and lots. This shall include all off-site lines which have a bearing on the development.
3. Representative street cross-sections with dimensions showing traffic lanes, curb, gutter and sidewalk, and utility lines which may be in the right-of-way.
4. Representative detail of pipe sizes and types, service detail and manhole detail.
5. All compaction standards noted.
6. Street profiles including drainage system shown graphically in plan view with estimated runoff and cubic feet per second capacity.
7. Stamp or seal of the professional engineer preparing the composite.
8. Signatures indicating review by the following organizations and individuals, as applicable, to be obtained by the applicant:

City Public Works Department
Sewer and Water Districts
Owner and/or Developer of Property
Drainage District

B. This shall consist of a utilities improvement plan and shall accurately show the following:

1. The locations of the lots, blocks and streets as shown on the plan.
2. The locations and applicable sizes of all irrigation and drainage systems and structures as well as public service, telephone and other applicable utility lines serving the development, both internal and external.
3. Location of street lights and proposed lamp size if applicable.

4. The relationship of all utilities within the easement or right-of-way, wherever more than one utility shares the right-of-way or easement shown.
5. Stamp or seal of the professional engineer preparing the composite.
6. Signatures of all utilities providers serving the project (e.g. Ute Water, Public Service, Mountain Bell, irrigation and/or drainage districts).

5-6-6 LANDSCAPE PLAN - This plan shall consist of a plan of the site showing all natural and manmade features of the site. Proposed and existing landscaping features will be identified as to location, common name, botanical name, existing size or proposed size at planting. All vegetative ground covers will be identified as to name and location, while non-vegetative ground covers will be identified as to type, size and location. The term "desert" or "natural landscaping" shall not be used in lieu of specific landscaping details. Criteria for evaluation of landscape plan are:

- A. Consistency and compatibility with existing landscape features.
- B. Resistance of vegetative materials to environmental factors such as drought, wind, pollution, pests, etc.
- C. Adequate provisions for maintenance. Any landscaping required by this Code shall be maintained in an acceptable and healthy condition. The replacement of any vegetative materials that die or are in an unhealthy condition shall be required.

5-6-7 GRADING AND DRAINAGE PLAN - This plan shall consider the historic and built-out drainage from the site and adjacent areas and shall consist of the following information. The plan must be prepared, signed, and sealed by a qualified professional engineer of Colorado.

- A. Project site including two hundred feet beyond its boundaries.
- B. Existing contours at two foot intervals shown as dashed lines.
- C. Proposed contours at two foot intervals shown as solid lines.
- D. Drainage system shown in plan view with estimated cubic feet per second flow for a 10-year storm.
- E. Location of all natural drainage channels and water bodies.
- F. Existing and proposed drainage easements.
- G. Type, size, and location of existing and proposed drainage structures such as pipes, tiles, culverts, retention ponds, etc.

B. Submittal Requirements: Exact submittal requirements shall be determined at the preapplication conference. The type of information which may be requested is as follows:

1. Maps drawn to scale at not less than 1" = 200' showing the location and dimensions of the lot, existing and proposed structures, streets, stored materials and floodproofing measures, and the relationships of the above to the location of the stream channel, existing overflow channels and the outer perimeter line of the one hundred-year flood.
2. Elevations of the stream channel, land areas occupied by the proposed use, one hundred-year flood, lowest floor of all proposed structures, streets, areas to be filled, proposed water and wastewater treatment facilities, storage areas and the extend of floodproofing measures of all structures. All elevations shall be at two foot intervals, submitted on U.S. Geologic Survey data, tied to flood hazard information prepared by the Army Corps of Engineers, and certified by a registered professional engineer.
3. Specifications for construction materials, floodproofing, filling, dredging, grading, channel improvement and storage of materials. Certification shall be provided by a registered professional engineer showing that proposed floodproofing measures will mitigate the potential flood hazards.
4. Existing direction of water forces, areas of bank erosion, areas of accretion, potential for channel movement or relocation, any intended alteration or relocation of a watercourse, and related hydraulic considerations.
5. Any additional information required by the State in order to determine if the proposed development design features are adequate to mitigate the potential flood hazard.
6. All subdivision proposals and other proposed new developments greater than 50 lots or 5 acres, whichever is the lesser, shall include within the proposals base flood elevation data.

C. Development Requirements

1. All development allowed by the approval of a Floodplain Development Permit shall comply with the following:
 - a. New construction and improvements shall be anchored to prevent flotation, collapse or lateral movement of the structure, be constructed with materials and utility equipment resistant to flood damage, and be constructed by methods and practices that minimize flood damage.
 - b. All mobile homes shall be anchored with over-the-top ties and frame ties at each corner of the home with one intermediate over-the-top tie and frame tie per side for each ten feet of length. All components of the anchoring system shall be capable of carrying a force of 4,800 pounds. All mobile homes shall be an-

chored with over-the-top ties provided at each of the four corners of the mobile home, with two additional ties per side at intermediate locations, and mobile homes less than 50 feet long requiring one additional tie per side. Frame ties provided at each corner of the home with five additional ties per side at intermediate points and mobile homes less than 50 feet long requiring four additional ties per side. All components of the anchoring system shall be capable of carrying a force of 4,800 pounds; and any additions to the mobile home be similarly anchored. In lieu of the specific requirements of this paragraph, an alternative anchoring system may be used if a licensed professional engineer certifies that such a system will adequately anchor the mobile home with respect to the base flood discharge.

- c. New and replacement sewer and water systems shall be designed to minimize infiltration.
- d. On-site waste disposal systems shall be designed to avoid impairment.
- e. Individual mobile homes which are to be elevated on pilings shall have the piling foundations placed in stable soil no more than ten feet apart, and reinforcement shall be provided for any piers more than six feet above ground level.
- f. All new construction and substantial improvements of residential structures within Zones A1 - 30 on the community's FIRM shall have the lowest floor elevated to or above the base flood level.

All new construction and substantial improvements of non-residential structures within Zones A1 - 30 on the community's FIRM shall have the lowest floor elevated to or above the base flood level or, together with attendant utility and sanitary facilities, be designed so that below the base flood level the structure is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy.

Where floodproofing is utilized for a particular structure in accordance with this Section, either a registered professional engineer or architect shall certify that the floodproofing methods are adequate to withstand the flood depths, pressures, velocities, impact and uplift forces and other factors associated with the base flood, and a record of such certificates indicating the specific elevation (in relation to mean sea level) to which such structures are floodproofed shall be maintained with the permit file.

Within Zones A1 - 30 on the community's FIRM, new mobile home parks and mobile home subdivisions, expansions to existing mobile home parks and mobile home subdivisions, and existing mobile home parks and mobile home subdivisions where the repair, reconstruc-

tion or improvement of the streets, utilities and pads equals or exceeds 50% of the value of the streets, utilities and pads before the repair, reconstruction or improvements have commenced, stands or lots shall be elevated on compacted fill or on pilings so that the lowest floor of the mobile home will be at or above the base flood level. Adequate surface drainage and access for a hauler shall be provided. In the instance of elevation on pilings, lots shall be large enough to permit steps, piling foundations shall be placed in stable soil no more than ten feet apart, and reinforcement shall be provided for pilings more than six feet above the ground level.

For all mobile homes to be placed within Zones A1 - 30 on the community's FIRM, but not into a mobile home park or mobile home subdivision, stands or lots shall be elevated on compacted fill or on pilings so that the lowest floor of the mobile home will be at or above the base flood level. Adequate surface drainage and access for a hauler shall be provided. In the instance of elevation on pilings, lots shall be large enough to permit steps. Piling foundations shall be placed in stable soil no more than ten feet apart, and reinforcement shall be provided for piers more than six feet above ground level.

- g. Shallow flooding requirements, as revised January 6, 1981, state that within any AO Zone on the community's FIRM, all new construction and substantial improvements of residential structures have the lowest floor elevated above the highest adjacent grade or at least as high as the depth number specified in feet on the community's FIRM (at least two feet if no depth number is specified); and all new construction and substantial improvements of non-residential structures have the lowest floor elevated above the highest adjacent grade at least as high as the depth number specified in feet on the community's FIRM (at least two feet if no depth number is specified) or together with attendant utility and sanitary facilities be completely floodproofed to that level to meet the floodproofing standards specified in paragraph 4 above; and require adequate drainage paths around structure on slopes, to guide flood waters around and away from proposed structures.

2. The following requirements may be included in the approval of Floodplain Development Permits:

- a. Modification of waste disposal and water supply facilities to minimize or eliminate infiltration of flood waters.
- b. Limitation of periods of use and operation.
- c. Impositions of operational controls, sureties, and deed restrictions.
- d. Requirements or prohibition of channel modifications, dikes, levees and other protective measures.

- e. Placement of a structure on the site to create minimum obstruction to flood waters.
- f. Location of building pads or envelopes.
- g. Floodproofing measures as described in 5-8-6C.1.f.

D. Criteria: The criteria used in evaluating Floodplain Development Permits shall be as follows:

1. The effects of a flood on the site itself, including:
 - a. The expected heights, velocity, duration, rate of rise and sediment transport of the flood waters expected at the site.
 - b. The susceptibility of the proposed facility and its contents to flood damage, and the effect of the damage on the individual owners.
 - c. The determination of whether the proposed use will be inhabited or used on a part-time basis.
 - d. The proposed water supply and sanitation systems, and the ability of these systems to prevent contamination or unsanitary conditions.
 - e. The importance of the services provided by the proposed facility to the community.
 - f. The requirements of the facility for a waterfront location, and the availability of alternative sites for the use.
 - g. The precedent which would be set by granting the permit, and the cumulative effect of numerous similar permits, if issued.
 - h. The safety of access to the property in times of flood for both ordinary and emergency vehicles.
 - i. The determination that the property is endangered by possible channel relocation due to natural causes.
 - j. Stands must be elevated to or above the base flood elevation.
 - k. That adequate access and drainage is provided.
2. The effects conveyed downstream or upstream of allowing a use, including:
 - a. The effect on depth and velocity of flood water (i.e. peak flow characteristics).

- b. The danger to life and property downstream due to increased flood velocities and heights caused by encroachment or obstruction upstream or downstream.
 - c. The possible increases of the depth of flood waters on neighboring parcels by more than one foot above normally expected flood depths.
 - d. The increased probability of erosion to downstream property, as opposed to normal stream bank erosion, because of accelerated flood velocities or directed flood waters resulting from the obstruction or encroachment.
 - e. The need for additional public expenditures for increased flood protection downstream, such as dike or bridge maintenance.
 - f. The obtaining of an undue advantage by the applicant compared to later applicants who might request a permit.
 - g. The danger that materials may be swept downstream and injure persons or property.
 - h. The possibility of contamination downstream from ruptured waste disposal systems, or related storage of toxic chemicals and/or bacteriological substances.
3. The preservation of the efficiency and capacity of the watercourse to transmit and discharge flood waters, including assuring that the flood carrying capacity of altered or relocated portions of the watercourse is maintained.

5-9 GEOLOGIC AND WILDLIFE HAZARD REGULATION

5-9-1 PURPOSE AND SCOPE - This regulation shall apply to all lands within any area identified as a Geologic and/or Wildlife Hazard Area or which may be considered a hazard area on the basis of on-site evidence. The intent of this regulation is to:

- A. Guide development and land use within these areas.
- B. Protect the public from avoidable financial expenditures for hazard control projects, hazard relief measures and damages to public utilities, streets and bridges.
- C. Protect people and property to minimize damage from possible hazards.
- D. Provide notification to people purchasing lands unsuitable for development.

5-9-2 EXEMPTIONS

- A. This regulation shall not apply to the following:
 - 1. Active building permit or preliminary development approval.

2. State, County, or City highway personnel engaged in protecting existing bridges and roads.
3. Colorado Division of Wildlife engaged in habitat improvement.
4. Railroad personnel engaged in protecting existing bridges and track.

5-9-3 NON-CONFORMING USES - The existing lawful use of a structure or premises which is not in conformance with provisions of this regulation may be continued subject to the conditions set forth in 5-8-3.

5-9-4 GENERAL REQUIREMENTS

A. Administration

1. A development or land use proposed in a geologic and/or wildfire hazard area or in an area which may be considered a hazard shall comply with the requirements of this regulation.
2. Staff shall make any necessary interpretations concerning boundaries of geologic and wildfire hazard areas.
3. All applications involving geologic hazard areas shall be submitted to the Colorado Geological Survey for their review. Applications involving wildfire Hazard Areas shall be submitted to the Colorado Forest Service for review.
4. Also see Chapter 10, Variances and Appeals, and Chapter 13, Definitions.

B. Liability - The degree of hazard protection intended to be provided by this regulation is considered reasonable for regulatory purposes and is based on engineering and scientific methods of study. This regulation does not imply that the areas outside of established hazard boundaries or use permitted within these boundaries will be totally free from damage caused by these hazards. This regulation shall not create any liability on the part of, or cause an action against, the Governing Body or any officer or employee thereof for damages that may result from reliance on this regulation.

C. Geologic and/or Wildfire Hazard Maps

1. The Colorado Geological Survey or qualified geological professionals have identified geologic hazard areas, and the Colorado Forest Service has identified wildfire hazard areas. Maps delineating the boundaries of these hazard areas are incorporated into this regulation along with related explanatory matter. These maps shall be referenced as Chapter 5, Section 9-4C.3 (Geologic Hazard Areas) and Chapter 5, Section 9-4C.4 (Wildfire Hazard Areas) of the City of Grand Junction Zoning and Development Code. Amendments to the official maps or adoption of additional maps shall be accomplished under the procedures and requirements for rezoning (see 4-4).

2. The official maps define only approximate boundaries of hazard areas. The maps shall serve primarily as notice to staff, Planning Commission, Governing Body, and the applicant, that geologic and/or wild-life hazards deserve consideration in a particular vicinity. Precise boundary determination shall normally require additional on-site evaluation by qualified professionals to determine if a hazard does exist. A detailed engineering study may be required to map the extent of the hazard, define its degree of severity, determine its frequency of recurrence, evaluate the compatibility of the proposed land use and consider means of mitigation.

3. Geological Hazard Area Map (on file in the Department).

4. Wildfire Hazard Area Map (on file in the Department).

5-9-5 DEVELOPMENT GUIDELINES

- A. This regulation is not intended to categorically preempt all future development.
- B. The mitigation shall be proportionate to the severity and frequency of the hazard.
- C. Mitigation techniques shall be consistent with the purposes of this Code.

Examples of mitigation techniques which may be acceptable are:

- 1. Retaining walls, fill, rock bolting, pilings.
- 2. Diversion, channeling, damming, barriers.
- 3. Excavation of unstable areas, bridging of weak zones, proper distribution of loading.
- 4. Improvement of surface and subsurface drainage.
- 5. Fuel breaks, fire lanes, thinning or grouping of combustible materials.

5-10 ANIMAL REGULATION

5-10-1 PURPOSE AND SCOPE

- A. The purpose of this regulation is to provide for the keeping of agricultural animals, household pets and other animals, so that they do not become a nuisance, hazard and/or health problem to the general public.
- B. Collective animal uses such as feedlots, zoos, kennels, veterinarian hospitals, etc. are specifically identified in the Use/Zone Matrix and shall be administered by the provisions of Chapter 4.

5-10-2 NON-CONFORMING USE

- A. The existing, lawful use of a premises or structure which is not in conformance with the provisions of this regulation may be continued subject to the following:

1. No use may be expanded or enlarged except in conformance with this regulation.
2. If a non-conforming use is discontinued for twelve consecutive months, any future use shall conform to this regulation.

5-10-3 AGRICULTURAL ANIMALS (see Definitions)

- A. Agricultural animals in the Public Zone and RSF-R shall be free of the provisions of this Section 5-10-3.
- B. Other than in A. above, agricultural animals shall be allowed in the RSF-4 zone and subject to the following provisions:
 1. All animals kept on a parcel shall be fenced no closer than 100 feet to a residence on an adjoining property unless written permission for a lesser distance is obtained from the affected property owner. In no case shall this distance be less than 20 feet.
 2. In a platted subdivision, a maximum of one large agricultural animal shall be allowed per acre of land.
 3. On unplatted parcels, a maximum of one large agricultural animal shall be allowed per 1/2 acre of land.

5-10-4 HOUSEHOLD PETS (see Definitions)

- A. In all zones a maximum of three adult household pets, per species, shall be allowed.
- B. The requirements of A. above shall not apply to those small pets normally kept within a residence such as: fish, small birds, rodents, reptiles, etc.
- C. Small animals kept confined in cages outside the residence (fowl, rabbits, etc.) shall be kept no closer than 20 feet from a residence on an adjoining property unless written permission for a lesser distance is obtained from the affected property owner. The requirements of A. above shall not apply to animals falling under this paragraph.
- D. Large agricultural animals kept for personal use and enjoyment (horses, burros, goats, etc.) shall meet the requirements of both 5-10-3 and 5-10-4.

5-10-5 OTHER ANIMALS

- A. Working animals, used in conjunction with an agricultural operation, shall be classed as agricultural animals (i.e. horses, sheepdogs, etc.).
- B. Animals other than those classified as agricultural animals or household pets will require a special use if two or less animals are involved or a conditional use if more than two animals are involved (see 4-5, 4-6, 4-7 and 4-8).

5-11 LAND USE REGULATION FOR LAND AROUND AIRPORTS (including Section 5-11-2B Airport Overlay Maps)

5-11-1 PURPOSE AND SCOPE - This Airport Land Use Regulation and establishment of Airport Zones as herein set forth is designed to preserve existing and establish new compatible land uses around airports; to allow land use not associated with high population concentration; to minimize exposure of residential uses to critical aircraft noise areas; to avoid danger from aircraft crashes; to discourage traffic congestion; to encourage compatibility with traffic in developments around airports; to discourage expansion of demand for governmental services beyond reasonable capacity to provide services; and to regulate the area around the airport to minimize danger to public health, safety or property from the operation of the airport; to prevent obstruction to air navigation.

5-11-2 ESTABLISHMENT OF AIRPORT ZONES

- A. In order to carry out the provisions of this regulation, the lands surrounding airports are hereby divided into the following basic airport zones:

CLEAR ZONES: A triangular-shaped zone directly off the end of a runway primary surface, beginning 200 feet from the end of the pavement, which is clear of all above-ground obstruction or construction. The width is the same as the primary surface. The length is determined by the use of the runway.

CRITICAL ZONE: A rectangular-shaped zone directly off the end of a runway primary surface, beginning 200 feet from the end of the pavement, which is critical to aircraft operations (i.e. more apt to have accidents within it) because of the takeoff and landing mode or aircraft in that particular area.

AREA OF INFLUENCE: An area surrounding the airport which is impacted or influenced by proximity to the airport, either by aircraft overflight, noise, and/or vibrations or by vehicular traffic associated with the airport operations.

A location covered by more than one zone shall be limited to the more restrictive use.

- B. Airport Overlay - These maps shall be referenced as 5-11-2B of the City of Grand Junction and Development Code. Amendments to official maps shall be accomplished under the procedures and requirements for text amendments, Chapter 11.

5-11-3 NON-CONFORMING USES - The requirements prescribed by this regulation shall not be construed to require the removal, lowering, or other changes or alteration of any structure or tree not conforming to the regulations as of the effective date, or otherwise interfere with the continuance of non-conforming uses. Nothing contained herein shall require any change in the construction or alteration of any structure, the actual construction or alteration of which was begun prior to the effective date of this regulation and is diligently prosecuted.

A. Land Use Compatibility Matrix

1. This matrix establishes requirements and limitations in addition to Chapter 4--Zoning. In the case of any conflict between this regulation and any other Section of this Code, the more restrictive requirements shall govern.
2. Uses listed on the matrix shall:
 - a. Be considered general uses and shall be used in context with the intents of this Code (see uses not mentioned 4-10).
 - b. Be considered principal uses. Accessory structures and uses shall have the same status as the principal uses.
3. Use of the matrix
 - a. C = compatible use
 - b. S = special use (subject to procedures and requirements of Sections 4-5 and 4-7)
 - c. I = incompatible use (uses are not permitted)

4. Use/Compatibility Matrix

LAND USE	AREA OF INFLUENCE	CRITICAL ZONE	CLEAR ZONE
Low Density (less than 4 units/acre)	C	S	I
Medium Density (4-8 units/acre)	C	I	I
High Density (greater than 8 units/acre)	C	I	I
Hotels/Motels	C	S	I
Schools, Churches, Hospitals, Libraries	C	I	I
Auditoriums, Outdoor Amphitheaters, Concert Halls	C	S	I
Sports Arenas	C	I	I
Playgrounds, Parks, Open Space Golf Courses, Cemeteries, Riding Stables	C	S	I
Office Buildings, Personal, Business and Professional Services	C	S	I
Commercial Establishments, Retail	C	S	I
Commercial Establishments, Wholesale			
Manufacturing, Transportation, Communications and Utilities	C	S	I
Manufacturing - noise sensitive	S	S	I
Communications - noise sensitive	S	S	I
Farming (livestock)	C	C	I
Agriculture, Mining, Fishing (except livestock farming)	C	C	S
Poultry Production	C	S	I

B. Use Restriction - Notwithstanding any other provision of this Code, no use may be made of land or water within any zone established by this regulation which will create electrical interference with navigational signals or radio communication between the airport and aircraft, make it difficult for pilots to distinguish between airport lights and others, result in glare in the eyes of pilots using the airport, impair visibility in the vicinity of the airport or otherwise in any way create a hazard or endanger the landing, takeoff or maneuvering of aircraft intending to use the airport.

C. Airport Zone Height Limitations - There are hereby established imaginary surfaces for the purposes of limiting height. No structure or tree shall be erected, altered, allowed to grow, or be maintained above the following:

1. Utility Runway Visual Approach Zone: Slopes upward twenty feet horizontally for each foot vertically, beginning at the end of, and at the same elevation, as the primary surfaces and extending to a horizontal distance of 5,000 feet along the extended runway centerline.
2. Utility Runway Non-Precision Instrument Approach Zone: Slopes upward twenty feet horizontally for each foot vertically, beginning at the end of, and at the same elevation, as the primary surface and extending to a horizontal distance of 5,000 feet along extended runway centerline.

3. Runway Larger than Utility Visual Approach Zone: Slopes upward twenty feet horizontally for each foot vertically, beginning at the end of, and at the same elevation, as the primary surface and extending to a horizontal distance of 5,000 feet along extended runway centerline.
4. Runway Larger than Utility with a Visibility Minimum Greater than 3/4 Mile Non-Precision Instrument Approach Zone: Slopes upward thirty-four feet horizontally for each foot vertically, beginning at the end of, and extending to a horizontal distance of 10,000 feet along the extended runway centerline.
5. Runway Larger than Utility with a Visibility Minimum as Low as 3/4 Mile Non-Precision Instrument Approach Zone: Slopes upward thirty-four feet horizontally for each foot vertically, beginning at the end of, and at the same elevation, as the primary surface and extending to a horizontal distance of 10,000 feet along the extended runway centerline.
6. Precision Instrument Runway Approach Zone: Slopes upward fifty feet horizontally for each foot vertically, beginning at the end of, and at the same elevation, as the primary surface and extending to a horizontal distance of 10,000 feet along the extended runway centerline, thence slopes upward forty feet horizontally for each foot vertically to an additional horizontal distance of 40,000 feet along the extended runway centerline.
7. Heliport VFR Approach Zone: Slopes upward fifteen feet horizontally for each foot vertically, beginning at the end of, and at the same elevation, as the primary surface, and extending to a distance of 4,000 feet along the extended primary surface centerline.
8. Heliport IFR Approach Zone: Slopes upward fifteen feet horizontally for each foot vertically, beginning at the end of, and at the same elevation, as the primary surface, and extending to a distance of 10,000 feet along the extended primary surface centerline.
9. STOL Approach Zone: Slopes upward fifteen feet horizontally for each foot vertically, beginning at the end of, and at the same elevation as the primary surface, and extending to a distance of 10,000 feet along the extended runway centerline.
10. Transitional Zone: Slopes upward and outward seven feet horizontally for each foot vertically, beginning at the sides of, and at the same elevation, as the primary surface and the approach zones, and extending to a height of 150 feet above the airport elevation of 4,857 feet above mean sea level. In addition to the foregoing, seven feet horizontally for each foot vertically, beginning at the sides of, and at the same elevation as the approach zones, and extending to where they intersect with the conical surface. Where the precision instrument runway approach zone projects beyond the conical zone, height limits sloping upward and outward seven feet

horizontally for each foot vertically shall be maintained, beginning at the sides of, and at the same elevation as precision instrument runway approach surface, and extending to a horizontal distance of 5,000 feet measured at 90o angles to the extended runway centerline.

11. Helicopter VFR Transitional Zone: Slopes upward and outward two feet horizontally for each foot vertically, beginning at the sides of, and at the same elevation as the primary surface and the approach surfaces, and extending a distance of 250 feet measured horizontally from, and at 90o angles to the primary surface centerline and extended centerline.
12. Helicopter Transitional Zone: Slopes upward and outward four feet and at the same elevation as the primary surface and a portion of the sides of the approach surface, and extending a distance of 350 feet measured horizontally from, and at 90o angles to the primary surface centerline and extended centerline.
13. STOL Transitional Zone: Slopes upward and outward four feet horizontally for each foot vertically, beginning at the sides of, and at the same elevation, as the primary surface and a portion of the sides of the approach surface, and extending to an elevation of 100 feet above the primary surface.
14. Horizontal Zone: 150 feet above the airport 4,857 feet elevation, to a height of 5,007 above mean sea level.
15. Conical Zone: Slopes upward and outward twenty feet horizontally for each foot vertically, beginning at the periphery of the horizontal zone and at 150 feet above the airport elevation, and extending to a height of 350 feet above the airport elevation.

Where an area is covered by more than one height limitation, the more restrictive limitation shall prevail.

- D. Avigation Easements - An avigation easement limits construction and heights of vegetation, and grants the right of flight over the terrain together with the right to cause noise, vibrations, smoke, fumes, glare, dust, fuel particles, and all other effects of aircraft operations. Avigation easements shall be required for any future development permitted within the airport's area of influence. The avigation easement will be obtained from the appropriate airport and a copy of the recorded easement filed with the Department. This shall not apply to repair and maintenance of existing structures or to new structures considered as accessory uses to existing structures or uses. (A sample avigation easement is included in the Appendix.)

**CHAPTER SIX
SUBDIVISION OF LAND**

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**CHAPTER SIX
SUBDIVISION OF LAND**

6-1 SCOPE

No plat of a subdivision or deed creating a new parcel shall be approved by the Planning Commission or Governing Body unless it conforms to the provisions of this Code.

6-1-1 PURPOSE

- A. To assist orderly, efficient and integrated development.
- B. To promote the health, safety and general welfare of the residents of the City.
- C. To ensure conformance of land subdivision plans with the public improvement plans of the City, County and State.
- D. To ensure coordination of inter-municipal public improvement plans and program.
- E. To encourage well-planned subdivisions by establishing adequate standards for design and improvement.
- F. To improve land survey monuments and records by establishing standards for survey and plots.
- G. To safeguard the interests of the public, the homeowner and the subdivider.
- H. To secure equitable handling of all subdivision plans by providing uniform procedures and standards.
- I. To preserve natural vegetation and cover, and promote the natural beauty of the City.
- J. To prevent and control erosion, sedimentation and other pollution of surface and subsurface water.
- K. To prevent flood damage to persons and properties.
- L. To restrict building in areas poorly suited for building or construction.
- M. To prevent loss and injury from landslides, mud flows, and other geologic hazards.
- N. To provide adequate space for future development of schools and parks to serve the population.
- O. To assure the planning for and provision of an adequate and safe source of water and means of sewage disposal.

6-1-2 EXEMPTIONS FROM THE DEFINITION OF SUBDIVISION

- A. A parcel which is created by a division of a lot in a previously recorded subdivision, if the parcel created conforms to the requirements of this Code and to the requirements of 6-10-1.

6-2 VARIANCES

Variations from this Chapter may be allowed by the Governing Body at a regular hearing after recommendation by the Planning Commission.

6-3 PENALTY

The division of a parcel of land which is in violation of the provisions, requirements, and processes of this Chapter shall be considered a violation of this Code and subject to the provisions of Chapter 12.

6-4 ACCEPTANCE OF STREETS, ROADS AND OTHER PUBLIC LAND DEDICATION

6-4-1 It shall be the prerogative of the Governing Body in whose jurisdiction the subdivision is being platted to accept or reject the dedication of any land as public land prior to final platting.

6-4-2 Approval of a subdivision shall not constitute acceptance by the City for maintenance of roads and/or streets or public sites shown as dedication of the appropriate Governing Body or its designated officials upon completion in accordance with improvement agreements and/or adopted standards.

6-5 CLASSIFICATION OF SUBDIVISIONS

6-5-1 MINOR SUBDIVISIONS (SUBDIVISIONS CONTAINING FIVE OR LESS LOTS)

- A. Requirements and Processing -- proposed minor subdivisions shall require vicinity sketch map review, staff conference, final plat process and approval in accordance with Sections 6-6 and 6-8 of this Chapter. The preliminary plan stage (Section 6-7) shall be deleted.

6-5-2 MAJOR SUBDIVISIONS (SUBDIVISIONS CONTAINING SIX OR MORE LOTS)

- A. Requirements and Processing - Proposed major subdivisions shall receive vicinity sketch map review, staff conference, preliminary plan process and approval, and final plat process and approval in accordance with Sections 6-6, 6-7 and 6-8 of this Chapter.

6-6 VICINITY SKETCH MAPS

6-6-1 FILING AND PROCESSING

- A. Vicinity sketch maps shall be submitted to the Department. Staff shall review the sketch to assure conformance with the requirements of this Code and schedule a conference with the applicant and project engineer to discuss the proposed plan. At the discretion of the staff and/or applicant, the vicinity sketch map may be presented to the Planning Commission for review, to clarify policies or provide additional guidance. This review does not require a formal hearing, but at any meeting at which such review is held, a quorum shall be present.

- B. Vicinity sketch maps may be submitted at any time. The staff shall review the plat within ten working days of the date of submittal. The conference with the applicant shall be scheduled within five days of the completion of the review. If it is determined that the vicinity sketch maps should be reviewed by the Planning Commission, the review shall be held within thirty-five days of the date of submittal. Staff will provide the applicant with written comments concerning the review of the map at the time of the conference.

6-6-2 SUBMITTAL REQUIREMENTS - A vicinity sketch map shall show clear representation of the area in which the proposed project is located. The sketch map shall be at a scale of not less than 1" = 200' and shall show an area extending at least one-quarter mile in each direction beyond the boundaries of the development. The sketch map shall contain or be accompanied by the following information:

- A. The proposed name of the development.
- B. Location and boundaries of the development.
- C. The names and addresses of the owner/applicant and project engineer.
- D. The date of preparation, the scale and a symbol designating true north.
- E. The approximate acreage contained within the proposed development.
- F. The location, dimensions and names for all existing streets, alleys, easements and watercourses within and adjacent to the development.
- G. The location and dimensions of all proposed streets, alleys, lot lines and proposed land uses, including areas to be reserved or dedicated for parks, schools or other public uses.
- H. Land use breakdown, including approximate number of lots and typical lot sizes.
- I. Zoning and existing land uses on lands adjacent to the proposed project.
- J. The names of adjoining subdivisions with lines of abutting lots, and departing property lines of adjoining properties not subdivided.
- K. Two copies of the sketch map. It shall be the responsibility of the applicant to ensure that full and complete information is provided concerning the characteristics of the site and the area.

6-7 PRELIMINARY PLAN REQUIREMENTS

6-7-1 FILING AND PROCESSING

- A. Only complete submittals shall be accepted.
- B. Applicants shall submit the required preliminary plan materials to the

Department in accordance with the established submittal and processing schedule.

- C. The staff shall distribute copies of the submitted material to the appropriate agencies for review (see 2-2-2).
- D. The staff shall present the preliminary plan, together with comments of reviewing agencies, to the Planning Commission at an official public meeting not later than sixty days from the required submittal date except as provided in 2-2-2 for review time extension. Before taking action on a preliminary plan, the Planning Commission shall consider comments received from reviewing agencies.
- E. The Planning Commission shall either recommend approval, conditional approval, or disapproval within thirty-five days of the initial presentation. The reasons and/or conditions shall be set forth in the minutes of the meeting. The decision of the Planning Commission will be final unless appeal procedures are undertaken under the provisions of section 2-2-2C.3.
- F. The applicant may request, in writing, cancellation of the project at any time.
- G. Approval of a preliminary plan shall be valid for a period of one year. If the final plat covers only a portion of the land area within the preliminary plan, such approval of the preliminary plan shall be automatically renewed for an additional period of one year following the date of approval of each subsequent final plat, unless the Governing Body notifies the applicant, in writing, to the contrary.
- H. An entire preliminary plan shall be recorded within five years of approval or the unrecorded portion of that plan may be required to be reprocessed in accordance with current Codes and procedures.
- I. All required perimeter street rights-of-way shall be dedicated at the time of approval of a preliminary plan.

6-7-2 SUBMITTAL REQUIREMENTS

- A. Engineering information submitted on preliminary plans is not intended to be detailed design. It should basically be a graphic plan which shows intent and answers basic engineering questions. A preliminary plan constitutes the major step in the review process. The submittals shall be detailed enough to answer the question "Should this use, designed in this manner, be constructed on this site?"
- B. The applicant shall provide the Department with the number of copies of the preliminary plan requested at sketch conference. Additional copies may be requested if deemed necessary. Submittals shall address all comments of sketch plan review conference. The preliminary plan shall include:
 - 1. A location map, drawn at an appropriate scale, either separate or composite with the preliminary plan map, covering a one mile radius of the project showing the following:

- a. Existing and planned streets and highway systems.
 - b. Zoning districts, municipal limits, taxing districts and any other special districts.
 - c. Significant water courses
2. Clear, crisp copies of map(s) of the proposed subdivision. The map(s) shall be at a scale of not less than 1" = 200', and an accurate outer boundary survey with dimensions certified by a registered land surveyor licensed to work in the State of Colorado. The drawings shall be on one or more sheets with outer dimensions of twenty-four by thirty-two (24" x 32") inches.
3. The following reports, maps, or texts shall be required if applicable (see 5-6):
- a. Function, ownership and maintenance responsibility of any common open space not dedicated for public use.
 - b. The preliminary draft of all grants of easements and/or dedications on property beyond the project; and restrictions, conditions or covenants to be imposed upon the use of land, buildings and structures.
 - c. Preliminary draft of an improvement agreement.
 - d. Flood hazard report.
 - e. Soils and geologic report.
 - f. Description of measures that will be taken to reduce the impact on wildlife.
 - g. Designated airport areas.
 - h. Historical/archaeological report.
 - i. Water supply.
 - 1) Estimated total number of gallons of treated water per day required for the subdivision. Adequate evidence that a water supply sufficient in terms of quality, quantity and dependability will be available. The evidence may include, but not be limited to:
 - a) Letter from an established district.
 - b) Evidence of ownership of, or option to acquire, water rights.
 - c) Historical use and estimated yield of claimed water rights.

- d) Amenability of existing rights to a change in use.
- e) Evidence concerning the potability of the proposed water supply.

4. General Information

- a. The name of the subdivision. No subdivision shall bear the same name as another subdivision unless adjoining and using consecutive filing numbers.
- b. Name and address of the owner of the property, developer(s), engineer and surveyor preparing the plan.
- c. The date of preparation, the scale and a symbol designating true north.
- d. Location and boundaries of the subdivision, including a traverse of the monumented perimeter of the proposed subdivision. The traverse shall have an error of closure of not greater than one part in ten thousand. At least two survey ties into the State grid or other permanent marker established by the County Survey are required. Monuments shall conform to the survey requirements of Colorado Revised Statutes.
- e. Designation of survey monuments proposed to be used for control during construction.
- f. Total acreage contained in the subdivision.
- g. Land use breakdown, number of lots, the length in feet of public roads.
- h. Identification of excepted parcels. If possible, these parcels shall be included in the subdivision.
- i. Names and addresses of all adjacent (see definition) property owners within 200 feet of all boundaries of the property.

5. Adjacent Land Uses

- a. Names of all adjoining subdivisions
- b. The names and addresses of owners, departing property lines and zoning of adjoining property (subdivided or not subdivided).
- c. Existing structures within two hundred (200') feet of its boundaries.

6. Lot and street layout including:

- a. Lots and blocks numbered consecutively.

- b. Approximate dimensions (which may be scaled values) of all lots.
- c. Outline and dimension of any property, other than a street or alley, which is offered for dedication to public use, with the area marked "Public Site" and showing the proposed use.
- d. Outline and dimension of property to be owned in common and showing proposed use.

7. Roadways

- a. Existing streets, alleys and easements within and abutting the proposed subdivision (locations, names, surface widths and types, right-of-way widths).
- b. Proposed street system showing:
 - 1) Right-of-way and pavement widths.
 - 2) Curbs, gutters, crosspans and sidewalks with horizontal dimensions.
 - 3) Proposed street names (see 5-3-4).
 - 4) Any special treatments proposed within the right-of-way such as medians, channelization, landscaping.

8. Utilities

- a. Locations and size of existing utilities and easements within, adjacent to, and abutting the subdivision.
- b. Size and locations of all proposed sewer and water lines.
- c. Any rerouted, underground or new irrigation ditches, and irrigation water system. (Written approval shall be obtained and submitted for any rerouting of irrigation ditches from the appropriate irrigation district.)

9. Grading, Drainage, Storm Runoff and Flooding

- a. The existing and proposed contours at two foot intervals for predominant ground slopes within the tract between level slope and five percent grade and at five foot intervals for predominant ground slopes within the tract over five percent grade. (Elevations shall be based on USGS sea level datum. Existing contours shall be indicated by broken lines and proposed contours by solid lines.)
- b. Existing drainage features - existing pipes, structures, gutters, ditches or swales within or adjacent to the subdivision. (Include sizes and direction of flow and existing drainage easements.)

c. Proposed drainage system.

- 1) All proposed pipes, structures, gutters, crosspans and ditches, including size and directions of flow.
- 2) Proposed drainage easements.
- 3) Drainage outlets for the subdivision with a note explaining impact of subdivision drainage on locations downstream from outlets.

d. Hydrology

- 1) The percentage of the total acreage which will be covered with impervious surfaces such as roads, roofs, and driveways.
 - 2) Any intended draining, filling, dredging or excavation of wet area.
10. Sewerage - Estimated total number of gallons per day of sewage generated by the subdivision to be treated, a letter from an established district if a new treatment facility is proposed, compliance with the policies herein is required along with the submittal of a letter from the Colorado Water Quality Control Commission local representative.
11. Title - An exact copy of a certificate of a title insurance company or attorney's opinion which shall set forth the names of all owners of property included in the plan and shall include a list of all individuals or entities who may have an interest via mortgages, judgments, liens, easements, contracts and agreements of record which shall affect the property covered by the plans.
12. If a portion of an existing easement or right-of-way is contiguous to a proposed easement or right-of-way of a new subdivision, proof of the dedication of the existing easement or right-of-way shall be submitted.
13. Additional information may be required by the Department in order to adequately review the proposed subdivision.

6-7-3 Preliminary Plans shall be checked for:

- A. Conformity to adopted plan(s) and policies.
- B. Compatibility with the possible development of adjacent properties under existing zoning.
- C. Functional arrangement and lot sizes for compliance with zoning.
- D. Correct naming of streets.
- E. Conformity to the design standards in Chapter 5.
- F. Basic engineering solutions of all major physical site features.

6-7-4 A submittal with insufficient information, identified in the review process, which has not been addressed by the applicant, may be withdrawn from the agenda by staff. Petitioner shall be notified of this action immediately.

6-8 FINAL PLAT REQUIREMENTS

6-8-1 FILING AND PROCESSING

- A. Applicants shall submit the required final plat materials to the Department in accordance with the established submittal schedule. Only complete submittals shall be accepted.
- B. Submittals shall be reviewed in accordance with 6-7-1C.
- C. The final plat shall be reviewed for conformance with the preliminary plan approval, except that a final plat may constitute only a portion of the land area within the preliminary plan.
- D. If all requirements of approval of the preliminary plan have been met in the final plat, and if no adverse comments are received from review agencies, the final plat may be scheduled for consideration at the next timely meeting of the Planning Commission.
- E. Upon receipt and consideration of the final plat, the Planning Commission shall either approve, approve with conditions, or disapprove the final plat. The Planning Commission shall make a decision within sixty days of the original presentation. The decision of the Planning Commission shall be based on careful consideration of all applicable requirements of this Code as well as review comments. The decision of the Planning Commission will be final unless appeal procedures are undertaken under the provisions of section 2-2-2C.3.
- F. A final plat may be approved which has been modified to reflect improvements in design or changes which have occurred since the time of the preliminary plan review and approval. These changes may require submittal of material(s) necessary to adequately review that change. Staff will advise on the required submittal and process according to the location or scope of the change.
- G. The original of the final plat shall incorporate all modifications required by the final review and approval process. When approval is obtained, the surveyor or engineer shall make any changes necessary to comply with the final approval and submit the original, signed and notarized by the owners, to the Department.

6-8-2 SUBMITTAL REQUIREMENTS

- A. The applicant shall provide the Department with the number of copies requested. The final plat submittal shall include:
 - 1. Drawing Requirements - The final plat drawing shall comply with the following standards:

- a. The plat shall be delineated in drawing ink, at a scale of not less than 1" = 200', on a waterproof, reproducible medium such as mylar, which is twenty-four inches by thirty-two inches. The mylar shall be five mil thick.
- b. The plat shall be prepared and certification made as to its accuracy and the placement of all monuments as described by a registered land surveyor licensed to do such work in the State of Colorado. A licensed engineer's certification shall also be required on the plat indicating that it conforms to this Code and all applicable State laws.
- c. All land within the boundaries of the plat shall be accounted for either as lots, walkways, streets, alleys or excepted parcels. A table showing the percent and quantities of these uses shall be on the plat.
- d. All blocks, and all lots within each block, shall be consecutively numbered.
- e. Excepted parcels under different ownership shall be marked "Not included in this subdivision" or "Not included in this plat," as appropriate, and the boundary completely indicated by bearings and distances.
- f. Parcels not contiguous shall not be included in one plat, nor shall more than one plat be made on the same sheet.
- g. Contiguous parcels owned by different parties may be included in one plat, provided that all owners join the dedication and acknowledgment.
- h. All streets, walkways, and alleys shall be designated as such. Public streets shall be named, and bearings and dimensions shall be given. Land to be dedicated to the public shall be labeled "Public Site;" all land to be in common ownership shall be labeled as "Common Site."
- i. The bearings, distances and curve data of all perimeter boundary lines shall be indicated outside the boundary line. When the plat is bounded by an irregular shore line or a body of water, the bearings and distances of a closing meander traverse shall be given and a notation made that the plat includes all land to the water's edge or otherwise.
- j. On curved boundaries and all curves on the plat, sufficient data shall be given to enable the re-establishment of the curves on the ground. This curve data shall include the following for circular curves--radius of curve, central angle, tangent, arc length, chords and notation of nontangent curves.

- k. Lengths shall be shown to hundredths of a foot, and angles and bearings shall be shown to seconds of arc.
- l. All dimensions and areas of irregularly-shaped lots shall be indicated in each lot.
- m. Bearings and lengths shall be given for all lot lines, except that bearings and lengths need not be given for interior lot lines where the bearings and lengths are the same as those of both end lot lines.
- n. All easements shall be designated as to type with bearings and dimensions given.
- o. Dedication statement deeding all public land including streets, walks, public open space, parks, etc.
- p. Dedication of all easements.
- q. Legal description.
- r. Space for notarized signature of owner(s).
- s. Space for the certification of approval:

City Engineer
President of the Grand Junction City Council
Chairman of the Grand Junction City Planning Commission
Development Department Administrator
County Clerk and Recorder

- 2. Multiple Sheet Final Plat - A final plat may be submitted in multiple sheets covering representative and reasonable portions of the subdivision tract. In these cases, submission shall include a composite map at a lesser scale indicating the sheets, numbered accordingly, and shall include title, legend, matchlines, and other appropriate information. The number of copies of the composite map shall equal the number required for final plat submittal.
- 3. Monument record delineated on the plat for required benchmark, including:
 - a. Permanent reference monuments shall be set on the external boundary of the subdivision, pursuant to 38-51-101 C.R.S., 1973, as amended.
 - b. Block and lot monuments shall be set pursuant to 38-51-101 C.R.S., 1973, as amended.
 - c. At least one elevation benchmark based on U.S. Geological Survey sea level datum shall be set (where practical to tie in within every subdivision or subsequent filing prior to submission of the final plat for approval.)

- d. Detail requirements on monument construction, marking, and setting are contained in Appendix.
 - e. Any additional information required by 38-51-102, C.R.S., 1973, as amended.
- B. The following reports, maps, or texts shall be required if applicable. See 5-6 for requirements of reports.
- 1. Site characteristic and development plans - The following four plans and reports are interrelated. They may be shown on the same sheet if this does not result in undue confusion and congestion on the sheet. If separate sheets are used, all drawings shall be to the same scale.
 - a. Composite utilities and roadway plan signed by all required agencies.
 - b. Grading and drainage plan.
 - c. Erosion control plan.
 - d. Subsurface soils investigation.
 - 2. An exact copy of a current certificate of title which shall set forth the names of the owners of property included in the plat and shall include a list of all individuals or entities who may have an interest via mortgages, judgments, liens, easements, contracts and agreements of record which shall affect the property covered by the plat. If the opinion of title discloses any of the above, the holders of such mortgages, judgments, liens, easements, contracts or agreements, shall be required to approve the plat, in writing, signed and notarized, before the plat shall be recorded.
 - 3. Improvement Agreement
 - 4. Improvement Guarantee
 - 5. When a newly platted street will intersect with a State highway, a copy of State Highway Department approval shall be submitted.
 - 6. The original and one copy of restrictions, covenants or conditions, to be recorded.
 - 7. Notification of approval from the State Health Department for the construction of the sewer system, when required by State Health Department regulation.
 - 8. Names and addresses of all adjacent (see definition) property owners within 200 feet of all boundaries of the property, unless adjacent property owners have received notification of a preliminary submittal within 6 months of the final submittal.

6-8-3 Paragraph 6-7-4 also applies to final plats.

6-9 RECORDING OF THE FINAL PLAT

6-9-1 The Department shall record all final plats and related documents.

6-9-2 Recording will be done as follows:

- A. The original plat, together with any other required documentation, such as, but not limited to, improvement agreements, powers of attorney, easement or right-of-way dedications not shown on the plat, covenants, evidence of incorporation of homeowners association, deeds conveying property to the homeowners association, etc., shall be submitted for recording. The plat shall contain notarized signatures of the owners of the property and necessary engineer's and surveyor's signature(s) and corporate seal if required. All signatures on the plat shall be in india ink.
- B. Staff shall obtain the applicable signatures of public officials required on the plat and present the signed plat to the County Surveyor for review. On completion of the surveyors' review, the Staff shall record the plat at the office of the County Clerk and Recorder.
- C. Upon recording of the plat, applications for building permits may be submitted in accordance with the provisions of this Code.
- D. All final plats shall be recorded within one year from the date of final approval. Failure to record within this time shall require re-review and processing as per the final plat processing procedure.

6-10 RELATED PROCEDURES

6-10-1 RESUBDIVISION - Resubdivision of land shall be considered a subdivision and shall comply with the requirements of this Code with the following exceptions:

- A. Lot lines may be revised from those shown on a recorded plat, provided that in making such changes:
 - 1. No parcel shall be created which is less than the minimum standards required by this Code or other applicable regulations (see also 5-1-7J).
 - 2. Easements shall not be changed.
 - 3. Street locations shall not be changed.
 - 4. The plat shall not be altered in any way which will adversely affect the character of the previously recorded plat or the character of the area.
- B. Should all the requirements of paragraph A. above be met, the resubdivision shall be submitted to the Department. Submittal requirements are as follows:

1. Deeds affecting the resubdivision.
 2. Any additional information required to review the application.
- C. Staff will review the resubdivision in accordance with the requirements of this Code. Should the resubdivision meet all the requirements of this Code, the Administrator shall approve the resubdivision.
- D. If resubdivision does not meet the requirements of A., the project shall require all processes and approvals of a subdivision as set forth in this chapter.

6-10-2 CORRECTIONS TO RECORDED PLATS - If it is discovered that there is a minor survey or drafting error in a recorded final plat, the applicant shall be required to file the final plat with an affidavit witnessed by two land surveyors and approved by the County Surveyor. At least one of the surveyors witnessing this final plat shall be an impartial observer having no personal interest in the subdivision. If, however, the correction of the error results in such major alterations that the corrected plat does not meet the design standards and requirements of this Code, then the corrected plat shall require full approval procedures in accordance with final plat requirements and the recording of the corrected plat.

6-10-3 MAINTENANCE OF SUBDIVISION APPLICATIONS - The Development Department shall maintain an adequately numbered filing system for all subdivisions, including copies of all maps, data and official actions. It shall also maintain a master location map(s) referenced to the department filing system, for public use and examination.

CHAPTER SEVEN
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CHAPTER SEVEN.
PLANNED DEVELOPMENT (PD)

7-1 GENERAL

7-1-1 PURPOSE - In order that public health, safety, integrity, and general welfare may be furthered in an era of increasing urbanization and growing demand for housing of all types and design, the Planned Development zone is established to provide project variety and diversity through the modification of conventional zoning as set forth in Chapter 4, so that maximum long range neighborhood and community benefits can be gained and for the following purposes:

- A. To encourage innovations in residential, commercial, recreational, and industrial development and renewal so that the growing demands of the population may be met by greater variety in type, design and layout of buildings and by the conservation and more efficient use of open space ancillary to the development.
- B. To provide a procedure which can relate the type, design, and layout of residential, commercial, recreational, and industrial development to the particular site, thereby encouraging preservation of the site's natural characteristics.
- C. To encourage a more efficient use of land and of public or private services, and to reflect changes in the technology of land development and service delivery so that there are resulting economies.
- D. To provide for necessary commercial, recreational, and educational facilities conveniently located to residential uses.
- E. To provide for well located, clean, safe, and pleasant industrial sites.
- F. To lessen the burden of traffic on streets and highways.
- G. To conserve the value of land.
- H. To allow flexibility in application of the zoning requirements as set forth in Chapter 4 regarding bulk, density, and open space, while ensuring that such flexibility will not be used in a manner which distorts the objectives of the Zoning Code.
- I. To encourage integrated planning in order to achieve the above purposes.
- J. To encourage the building of new communities incorporating the best features of modern design.

7-1-2 Planned developments are encouraged in order to allow and to foster:

- A. A greater diversity of living environments by allowing a variety of housing types and residential densities, and a mixture of uses.

- B. More useful, convenient location of open space and recreation areas for residents, and if permitted as part of the project, more convenience in the location of accessory commercial and industrial uses.
- C. Development complexes which are harmonious, interrelated combinations of compatible uses.
- D. A development pattern which preserves and utilizes natural topographic and geologic features, scenic vistas, natural resources and avoids the disruption of natural drainage patterns.
- E. Preservation of productive agricultural lands.
- F. Socially desirable objectives to meet community needs for various types of land, housing, commercial, recreational and/or agricultural uses not otherwise feasible under conventional zoning.

7-2 TYPES OF PLANNED ZONES AND USES ALLOWED

7-2-1 PR (PLANNED RESIDENTIAL) - The following uses may be permitted within a PR at the discretion of the Governing Body or the Planning Commission, depending on which has final approval authority:

- A. Single family homes, duplexes, multi-family dwellings and accessory uses.
- B. Business and commercial areas subordinate to the residential uses, oriented to serve the residents of the PD and the immediate neighborhood rather than the larger community, and suitably designed and landscaped in a manner which will protect adjoining residential uses. All specific standards pertinent to a Planned Trade Development in 7-4-7 shall apply to these uses.
- C. Public facilities such as, but not limited to, schools, recreational facilities, hospitals, churches, cultural buildings or structures essential to providing the public with electric power, gas, water, sanitation, etc.
- D. Other uses compatible with the purposes of the PD which are not objectionable because of traffic generation emission of dust, odor, fumes, vapor, smoke, noise, light, refuse matter, or vibration.

7-2-2 PMH (PLANNED MOBILE HOMES) - The following uses may be permitted within a PMH at the discretion of the Governing Body or the Planning Commission, depending on which has final approval authority:

- A. Mobile home parks and mobile home subdivisions.
 - 1. Areas of expansion or modifications of items such as roads or improvements for existing mobile home parks and subdivisions shall be in accordance with the provisions and procedures of this chapter.
- B. Uses as may be permitted in PR zones.

7-2-3 PLANNED TRADE DEVELOPMENTS

- A. Unlike a neighborhood business and/or commercial center within a PR or PMH, these zones are intended to serve a larger community rather than a single specific neighborhood. Planned Trade Developments may be one of three zones:
1. PB (Planned Business)
 2. PC (Planned Commercial)
 3. PI (Planned Industrial)
- B. Uses in these PD zones are those enumerated in the respective Business, Commercial, and Industrial zones in this Code, except as specifically denied by the Governing Body or the Planning Commission, depending on which has the final authority.
- C. Other uses may be permitted at the discretion of the Governing Body or the Planning Commission, depending on which has the final approval authority.

7-2-4 PREC (PLANNED RECREATION)

- A. The following uses may be permitted at the discretion of the Governing Body or the Planning Commission, depending on which has final approval authority.
1. Primary recreational uses - those facilities and structures directly related to the use of a specific recreational resource or opportunity.
 2. Secondary recreational uses - those facilities or structures not vital to the use of a recreational resource, but justified by their relation to the recreational resource itself and the primary recreational use, such as, but not limited to, lodges, inns, guest houses, cabins, dormitories, condominiums, single family homes, child care facilities, retail sales and service, facilities serving food and beverages, offices, service stations (including the sale of petroleum products and minor or emergency repairs and servicing of motor vehicles), museums, meeting rooms, assembly halls or auditoriums, religious facilities, indoor theaters, personal service shops and facilities, and medical or dental clinics. Adequate consideration shall be given to the need for employee housing generated by any of the above.
 3. Facilities to house and provide for necessary public services, such as police, fire, library, schools, post office, utility and transportation systems.
- B. The Governing Body may, after considering the recommendation of the Commission, allow whatever density it deems justifiable in relation to the recreational resource, the primary recreational development, the purpose and guidelines as set forth in 7-1, and submitted data.

- C. Each petition to create a PREC shall be accompanied by a Recreational Development Plan, consisting of both a short-term plan specifying development planned for the subsequent three years and a long-term plan describing in general terms logical maximum development within the zone. The Recreational Development Plan shall further distinguish between Primary and Secondary Recreational uses.
- D. The Commission and the Governing Body shall evaluate the proposed development in relation to the specific recreational resources. In no case shall the proposed development, particularly the secondary recreational uses, degrade or adversely affect the recreational resource or its future development.
- E. Business uses shall logically serve the recreational users of the development.
- F. The Commission and the Governing Body shall also take into consideration the distance of "walking radius" for pedestrians on the site, and whether the PREC should be served by public or private roads.

7-2-5 PAD (PLANNED AIRPORT DEVELOPMENT)

- A. The following uses may be permitted within a PAD at the discretion of the Governing Body or the Planning Commission, depending on which has final approval authority.
 - 1. Business and commercial areas relating directly to the airport such as car rental agencies, services for aircraft, flight services/operations, and similar uses.
 - 2. Hotels/motels.
 - 3. Facilities serving food and beverages.
 - 4. Public uses including recreational uses.
 - 5. Business/commercial/industrial parks.
 - 6. Other uses as may be approved after favorable recommendation of the Airport Authority and the Planning Commission.
- B. Uses under A.1 above may be finally approved by the Airport Authority if said uses are shown on an overall Airport Plan and said site specific uses receive favorable recommendations/signoff, as applicable, from the City Development Department.
- C. All other uses mentioned above shall have separate plan approval, appropriate to the scale of the development, as specified in Section 7-5.
- D. Uses in a PAD zone shall also meet the requirements of 7-3 and 7-4-7.
- E. For all development requests in a PAD zone, the owner of the airport will be a review agency.

7-2-6 PDD (PLANNED DOWNTOWN DEVELOPMENT)

- A. The Planned Downtown Development zone is available to applicants proposing a development in the downtown planned development area, as specified in Section 7-2-6C. The boundaries of the area in which the downtown planned development may be used are described in Section C of this Section.

Any PD proposed within the downtown planned development area shall be considered a PDD and all PDD provisions shall apply. It is the intent of the Planned Development zone to encourage development and redevelopment of the types, locations, densities, and quality that are consistent with the adopted Downtown Master Plan, an element of the City's Comprehensive Plan.

Uses in the PDD are those enumerated in the residential, commercial, and business zones in this Code, as well as approved governmental uses, except as specifically denied by the Governing Body for failure to conform to the policies, goals, and objectives of Chapter 3 of this Code.

- C. A PDD may be used, and will be the only form of planned development allowed to be used within the following described boundaries:
1. On the west, from First and Ouray, south along First to the D&RGW railroad depot.
 2. On the south, from First Street along the boundary of the D&RGW railroad depot to South Avenue, and then east along South Avenue to Ninth Street.
 3. On the east, along Ninth Street from South Avenue to the east/west alley between Grand Avenue and White Avenue.
 4. On the north, the east/west alley between Grand Avenue and White Avenue between Eighth Street and Ninth Street; Grand Avenue between Eighth Street and the north/south alley between Seventh Street and Eighth Street on Grand Avenue; White Avenue between Seventh Street and the north/south alley between Grand Avenue and White Avenue from Seventh Street to the east/west alley between Sixth Street and Seventh Street; and then to the east/west alley from Sixth Street to Seventh Street between Grand Avenue and Ouray Avenue; and Ouray Avenue from First Street to Sixth Street.

7-2-7 PRVR (PLANNED RECREATIONAL VEHICLE RESORT) - The purpose of this zone is to provide for the development of Recreational Vehicle Resorts where recreational vehicles are used for temporary residential purposes in conjunction with recreational and social centers designed to serve the occupants of the resort.

The intent of this zone is to encourage development of a unified project with adequate open space provisions to preserve the residential character of the area and to prohibit uses that are incompatible with surrounding areas and developments. Occupancy of any unit in a PRVR may not exceed 270

consecutive days. PRVR's may be developed with rental or lease spaces (see Section 7-2-7C) or subdivided for individual lot ownership (see Section 7-2-6D) or a combination of both.

A. Permitted Uses - The following uses may be permitted at the discretion of the Governing Body:

1. Recreational Vehicles, with one recreational vehicle permitted on each approved space or lot. No dwelling units of conventional construction and no manufactured housing shall be permitted in the resort except as allowed in 7-2-7A.2.
2. Manager's office and residence which may be of conventional construction.
3. Recreation and social centers, which may be used for dancing, crafts, hobbies, games, child care, meetings, banquets, theatrical performances, movie viewing and similar entertainment uses for the use of the residents within the park.
4. Outdoor recreation facilities, such as parks, swimming pools, playground equipment, shuffleboard and tennis courts, putting greens and similar recreational uses.
5. Coin operated laundry facilities, outdoor drying areas, maintenance building and/or facilities.
6. Security guard houses at park entrances.
7. Boat and recreational vehicle storage, including washing areas.
8. Recreation center parking lots and guest parking areas.
9. Covered carports, patio awnings and detached storage buildings.
10. Directional and informational signs within the park and one (1) identification sign as provided in the City Sign Code (see 5-7).
11. Temporary construction buildings and yards necessary during the actual development of the park.

B. Development Standards: General - All PRVR's shall comply with the following general standards as well as the standards in Section 7-2-7C or Section 7-2-7D as appropriate.

1. A minimum setback of ten feet (10') is required from any portion of a recreational vehicle or related awnings to any exterior resort boundary.
2. A masonry wall six feet (6') in height and a landscaped strip ten feet (10') wide shall be required along all exterior resort property lines which abut public streets. The masonry wall shall be setback ten feet (10') from the property line and the required landscaped strip installed between the wall and property line. The developer/

owner shall maintain all landscaping between the wall and the street. Additional masonry walls and/or landscaped strips along other exterior property lines may be provided by the developer, and/or required by the City of Grand Junction to ensure compatibility between the resort and adjacent land uses.

3. Access to all recreational vehicle spaces shall be from the interior streets of the resort. There shall be no public streets within a recreational vehicle park except if required and/or determined necessary by the City. There shall be no individual access to any recreational vehicle space from any public right-of-way.
 4. Sidewalks at least two feet (2') in width are required to provide for pedestrian safety and to serve as an edging on both sides of all private streets. Sidewalks shall be constructed of four inch (4") thick concrete and may be included in the required private street width if the finished grade of the sidewalk is flush with that of the adjacent asphalt street surface. Public streets shall meet City street standards.
 5. A minimum of one (1) automobile parking space is required for each recreational vehicle space.
 6. Visually opaque screening fences or walls surrounding three (3) sides of all canister type refuse collection facilities shall be provided.
 7. Detached storage buildings not exceeding one hundred (100) square feet in area are permitted on each recreational vehicle space. All storage buildings shall be located in the rear one-half of the space. No setbacks are required.
 8. All patio awnings or covered carports shall be regulated by the current Uniform Building Code.
- C. Development standards for PRVR's containing unsubdivided rental or lease spaces.
1. A maximum density of twenty-two (22) recreational vehicle spaces per net acre after deduction of existing and/or proposed public rights-of-way.
 2. Recreational vehicle spaces shall be at least one thousand two hundred (1,200) square feet in area.
 - a. The minimum space width shall be at least twenty-eight feet (28').
 - b. The minimum space depth shall be at least forty feet (40').
 3. A minimum setback of five feet (5') from any portion of the recreational vehicle, other than the trailer tongue, to the front space line, and a minimum setback of three feet (3') from any portion of the recreational vehicle or awning to any side or rear space line.

4. A minimum of seventy-five (75) square feet of recreational open space and/or recreational facilities is required for each recreational vehicle space. Public or private streets, vehicle storage areas and exterior boundary landscaping areas shall not be included in calculating recreational open space.
 5. Private streets shall be at least twenty-six feet (26') in width from edge of pavement to edge of pavement. Streets shall be designed by a registered professional engineer and subject to approval by the City Engineering Department.
 6. PRVR's shall provide for a full-time management staff to handle the daily enforcement and property management for the owner/owners. The owner/owners shall be responsible to insure that the PRVR is in current compliance with all City Code requirements.
- D. Development Standards for PRVR's which are subdivided for individual lot ownership. These developments shall also meet the appropriate requirements of Chapter 6 of this Code.
1. A maximum density of fifteen (15) recreational vehicle lots per net acre after deduction of existing and/or proposed public rights-of-way.
 2. Recreational vehicle lots shall be at least one thousand seven hundred fifty (1,750) square feet in area. The average lot size within the subdivision shall be at least two thousand (2,000) square feet in area.
 - a. The minimum lot width shall be at least thirty-five feet (35').
 - b. The minimum lot depth shall be at least fifty feet (50').
 3. A minimum setback of seven feet (7') from any portion of the recreational vehicle, other than the trailer tongue, to the front lot line and a minimum setback of five feet (5') from any portion of the recreational vehicle or awning to any side or rear lot line.
 4. A minimum of one hundred fifty (150) square feet of recreation open space and/or recreational facilities is required for each recreational vehicle lot. Public or private streets, vehicle storage areas and exterior boundary landscaping areas shall not be included in calculating recreational open space. A minimum of five percent (5%) of the required recreational square footage shall be enclosed within a recreation hall or building.
 5. Private streets shall be at least twenty-eight feet (28') in width from edge of pavement to edge of pavement. Streets shall be designed by a registered professional engineer and subject to approval by the City Engineering Department.
 6. A minimum of one (1) visitor parking space is required for each ten (10) recreational vehicle lots.

7. All PRVR subdivisions shall be required to have a property owner's association with a board of directors who shall administer and enforce the required covenants, conditions and restrictions. The board of directors shall provide for full-time management staff to handle the daily enforcement and property management for the association. The board of directors shall be responsible to ensure that the PRVR subdivision is in current compliance with all City Code requirements.

E. Development Standards for combined PRVR's.

1. Where a PRVR has facilities serving both subdivided lots and rental or lease spaces, the higher, or more restrictive, standards of 7-2-7C or 7-2-7D shall apply.

7-3 GENERAL PROVISIONS

7-3-1 A PD constitutes a commitment to permit the development of a parcel of land under certain specific conditions. These conditions of approval shall be filed in the Department after each subsequent stage in the review process and official actions. The use of the parcel, and the construction, modification or alteration of any use or structures within a PD project shall be governed by this approval. All subsequent buyers, as well as entities created by the development such as Homeowners Associations or an Architectural Review Committee, are obligated to the documents of the approval. A seller of a property zoned PD or in the process of receiving zoning approval shall apprise the buyer of the terms and conditions of the PD approval. The City bears no responsibility for misrepresentation of terms of an existing approval. The conditions of approval shall also be set forth within covenants to be recorded with the final approved plan and/or plat.

7-3-2 It is the intent of this regulation that subdivision review in accordance with the subdivision chapter be carried out simultaneously with the review of a PD.

7-3-3 The development plans submitted under Section 7-4 shall be submitted in a form which will satisfy the requirements of the subdivision regulation for preliminary plans and final plats.

7-3-4 The requirements of this chapter and those of the Subdivision Chapter shall apply to all PDs except as follows: When a PD is proposed in an existing subdivision and no changes are proposed in existing lot boundaries, rights-of-way, or public or private easements, no final plat shall be required.

7-3-5 Conventional zone district requirements regarding bulk, height, density, and open space shall not apply in PD zones. In no case shall the requirements of the Building Code be varied as a part of the approval process of a PD.

7-3-6 In the event of transfer of ownership of any property within a planned development zone, it shall be the responsibility of the seller to inform the buyer of the property's exact status with respect to the planned development process and conditions of approval.

7-3-7 The criteria used to determine the appropriate density in any PD, except PDDs in which the criteria to be used are those adopted pursuant to 7-3-10, which will contain residential uses shall include the following:

- A. The compliance of the PD with adopted plans and policies.
- B. The compatibility of the proposed density with the development patterns and densities in the vicinity.
- C. The distance of the PD from the nearest urban core areas, including jobs, shopping and community facilities; in general, PDs in closer proximity to urban core areas shall receive higher densities than those which are further removed, or where necessary services are unavailable.
- D. The development will accomplish public purposes.
- E. The availability of public services such as sewer, water, schools, roads, parks, fire and police protection.
- F. The livability and function of the PD as achieved by means of the design and public/private amenities incorporated into the PD.
- G. If there is presently hazardous vehicular congestion on streets and highways or at intersections in the vicinity.
- H. If there are any hazard areas or environmental constraints within the property.
- I. The effect of the proposed use on mineral extraction and watershed values.
- J. Energy-efficiency of site design.
- K. Compliance with the Statement of Purpose (7-1).

7-3-8 In the Downtown Planned Development area, it is hereby determined and declared that public benefit would be derived through the use of the Planned Downtown Development zone and that therefore, any PDD which meets the review criteria for the PDD zone and receives approval through the process described in this Code is entitled to use the PDD zone, and after approval of such a PD, the PDD zone shall be noted on the City's zoning map. Accordingly, rezoning considerations of sections 7-5-2 and 7-5-3 shall not be required for a proposal making proper use of the PDD zone.

7-3-9 The criteria used to determine the appropriate uses, locations, densities, and design qualities in a PDD shall include those set forth in Section 7-3-9A through Section 7-3-9E. Compliance shall be determined by the staff and Planning Commission based on a consistent system for scoring which includes multipliers indicating the relative importance among criteria and the specific geographic areas within the Planned Downtown Development area in which the various criteria apply.

A. The following criteria may apply to and be required of planned developments throughout the Downtown Development area. These requirements may be elaborated by the Planning Commission as per Section 7-3-10

1. Demonstrate compatibility with goals, objectives, and policies.
2. Avoid objectionable nuisance.
3. Fulfill submission requirements.
4. Conform to other applicable regulations in this Code.
5. Conform to two-way circulation system on Rood and Colorado Avenue.
6. Make any alley closure safe and convenient.
7. Meet minimum illumination standards in pedestrian area.
8. Provide clear and untinted glass on pedestrian level windows.
9. Provide, when required, appropriately landscaped, designed, and located parking areas.
10. Provide public amenities in plazas.
11. Provide for setbacks above the second story along Main Street between Second and Seventh to maintain the traditional character of Main Street and provide solar access to the street.

B. The following criteria may apply to subareas of the Downtown Planned Development area. The inclusion of each criterion for review of developments in a particular subarea, as well as the relative weight to be given to each criterion, will be determined by the Planning Commission as per Section 7-3-10 considering:

1. Create or maintain the traditional facade pattern caused by 50 and 25 foot wide lots.
2. Create or maintain a pedestrian facade.
3. Use facade materials appropriate to the area.
4. Provide pedestrian activity along pedestrian ways.
5. Aggregate parcels for large scale planning and design.
6. Include residences in the project.
7. Consider pedestrian ways, proximity to Main Street, parking, and climate in locating and designing main entrances.
8. Consider pedestrian ways, climate, and proximity to Main Street in location and design of plazas.

9. Minimize grade changes between a plaza and neighboring pedestrian ways.
 10. Maximize access to plaza from neighboring pedestrian ways.
 11. Consider adding public amenities to the area beyond those required.
 12. Utilize the adopted downtown design standards in designing outside areas.
 13. Provide mid-block pedestrian ways if they fit into the plans for downtown.
 14. Avoid vehicle crossings of important pedestrian ways in designing parking.
 15. Provide identifiable but unobtrusive vehicular entrances to parking.
 16. Locate and design pedestrian entrances to parking for convenience.
 17. Conserve on energy use, beyond minimum requirements.
 18. Preserve and renovate historic structures.
 19. Include symbols and logos in signs.
 20. Integrate the alley-side facade into the overall design scheme.
 21. Screen mechanical equipment and waste containers from view.
 22. Use buildings and landscaping to screen parking in or near residential neighborhoods.
 23. Use landscaping to complement the building design.
- C. Parking shall be provided in accordance with Section 5-5 of this Zoning and Development Code except that, as per Section 7-3-10, the Planning Commission may reduce the number of spaces required considering:
1. Benefit to be obtained from public parking supply efforts.
 2. Performance according to the other criteria in this section.
 3. The historic pedestrian orientation of the Main Street shopping mall.
 4. Goals, objectives and policies referenced in Chapter 3 of this Code.
- D. Buildings shall conform to a maximum height limitation of 40 feet except that as per Section 7-3-10, the Planning Commission may increase maximums, considering:
1. Performance according to other criteria in this Section.
 2. Key areas where added height may be acceptable and desirable.

3. Goals, objectives and policies referenced in Chapter 3 of this Code.
- E. Within the Main Street Commercial Renovation District, additional criteria may be applied and elaborated as per Section 7-3-10 by the Planning Commission, including:
1. Extend display windows across the entire facade.
 2. Install fabric awnings in traditional character.
 3. Retain, restore, or install second story windows in traditional pattern.
 4. Retain or restore historic facades.
 5. Make new architectural details compatible with old.
 6. Provide or retain centered and recessed entrances.
 7. Provide facade continuity at open walkways into the interior of the block.
 8. Maintain a continuous facade line along Main Street.
 9. Maintain approximate continuity of cornice elevation.
 10. Conform to special standards for sign size, positioning, and design.
 11. Emphasize alley entrances.

7-3-10 Application of the criteria of Section 7-3-9 above to a PDD project will be through the "Review Criteria for the Planned Downtown Development Zone," as adopted by the Planning Commission and printed under separate cover as an administrative document, and approved by resolution by Governing Body.

7-4 SITE PLANNING AND DESIGN REQUIREMENTS

7-4-1 SITE PLANNING AND DESIGN REQUIREMENTS - Site Planning within PD shall provide for the protection of the development from potentially adverse surrounding influences, and shall also provide for the protection of surrounding areas from potentially adverse influence within the development.

Vehicular, pedestrian and cyclist circulation shall be designed to permit smooth traffic flow with controlled turning movements and minimum hazards to vehicular, pedestrian and cyclist traffic.

7-4-2 SCREENING - Fence, wall and/or vegetative screening shall be provided where needed to protect occupants from undesirable views, lighting, noise, or off-site influences, or to protect occupants of adjoining zones from similar adverse influences within the PD. In either case, screening shall be designed to control the existing or potential adverse views from existing

or potential first floor windows in the PD or other adjoining zones. Screening requirements may be waived where terrain makes protection against overview impracticable, but where the requirement is not waived, bulk parking areas and service areas in particular shall be screened.

7-4-3 LANDSCAPING - The appeal and character of the site shall be preserved and enhanced by retaining and protecting existing trees and other site features. Additional new plant material shall be added for privacy, shade, beauty of buildings and grounds and to screen objectionable features.

A. Existing Vegetation - Existing trees, shrubs and ground cover shall be retained to the extent that they enhance the project, are effective as a screen planting and are useful in protecting slopes.

B. Selection and Arrangement of Plant Materials

1. Plant material selected shall be in scale with the composition of the buildings, the site, and its various uses and surroundings. It shall be selected and arranged to harmonize in size, color, texture and year-round characteristics with the buildings and the development of the grounds.

2. Plant material shall be indigenous to this area, or readily adaptable to the climate and soil conditions. It shall not be excessively weedy in habit or growth characteristics, or unduly subject to noxious pests or plant diseases which would seriously impair its function or permanence or greatly increase maintenance costs. Plant material which might be injurious to local plants or agricultural products, by serving as an intermediate host to pest or plant diseases, is specifically prohibited. Plant material to be installed shall be true to name in accordance with the current issue "Standardized Plant Names" published by the American Joint Committee on Horticultural Nomenclature.

C. Lawn areas which are essential to the use and appearance of a project shall be covered with a thick stand of permanent grass or other ground cover.

D. Landscaping shall be watered, replanted and maintained as necessary to preserve the original intent.

7-4-4 CIRCULATION - Circulation design in the form of streets, roads, pedestrian walks, trails, bicycle ways, parking and service areas shall be as follows:

A. Every principal structure shall have safe and convenient access to a public street or road, including provisions for access by service and emergency vehicles. Private access may be allowed only where the need for public access is not reasonably anticipated, and it shall have an easement of record for access by emergency and service vehicles.

B. Vehicular, pedestrian and cycling circulation shall be designed to permit smooth traffic flow, with controlled turning movements and minimum hazards. Streets shall be laid out to discourage outside traffic

from traversing minor streets. Consideration shall be given to location of walkways to be used by substantial numbers of children as play areas or routes to school in a manner to minimize contact with normal vehicular traffic.

- C. Streets shall not create unnecessary fragmentation of the PD into small blocks. In general, block size shall be the maximum consistent with use, shape of the site, and the convenience of the occupants. The design of the streets shall reflect the purposes the streets are to serve.

7-4-5 OPEN SPACE

- A. Landscaped areas, recreational areas, and those areas retained in natural or quasi-natural condition shall together constitute open space. Open space may also serve to preserve visual separation or buffers between varying uses. Wherever desirable, open space areas shall be integrated with each other and linked by trails, drives and/or pedestrian walkways rather than existing as isolated unrelated fragments.
- B. Open space areas and facilities shall be deeded to a Homeowners Association or dedicated to a public body, if acceptable to the Governing Body. If not dedicated, the developer shall include provisions in the final documents to ensure continuing maintenance. In the event that such provisions do not result in maintenance, the City shall have the authority to cause such maintenance to be performed, and to assess the cost of same to the properties within the PD.
- C. Site planning and design shall preserve, to the maximum extent possible, existing natural features which enhance the attractiveness of the area (such as vegetation, watercourses and historic features) and shall harmoniously relate all uses and structures within and surrounding the PD.

7-4-6 SITE CHARACTERISTICS

- A. Buildings and site improvements, including their scale, character and orientation, will be reviewed for compatibility with present and probably neighboring uses.
- B. A PD should also consider the following:
 1. Solar energy uses
 2. Cooling efficiency
 3. Linear footage of utility lines
 4. Linear footage of streets and roads
 5. Lighting efficiency
 6. Economical servicing and maintenance (police, fire, postal, refuse removal, street repair, etc.)
 7. Alternate modes of transportation (school buses, bicycles, public transportation, etc.)
 8. Commuting distances

- C. Land which is unsuitable for development because of potential hazards such as flooding, landslides, excessive slopes, rockfall, subsidence, avalanches, high water table, air or vehicular traffic hazards, or if developed, may be detrimental to the health, safety, or general welfare of existing or future residents shall not be developed unless the hazards are eliminated or mitigated by approved design and construction plans. Consideration shall also be given to preservation of areas of significant natural amenity. Those areas determined to be undevelopable according to the terms of this Section shall be preserved in their natural state.

7-4-7 PLANNED TRADE USES - The following standards apply to all proposed planned trade uses regardless of the specific type of planned zone in which they are located.

- A. Uses shall be located and designed to provide direct access to secondary or major streets without creating congestion or traffic hazards on any street. Orientation of buildings and parking areas shall be to these streets rather than to a minor street.
- B. Layout of parking and service areas, entrances, exits, yards, courts and landscaping, and control of signs, lighting, noise, and other potentially adverse influences shall protect the character of the PD and any adjoining uses.
- C. Where appropriate with general design, location and timing of operations within the PD, trade use parking, service areas and accessways may be located to serve other non-residential uses in the vicinity. These multiple uses shall not lead to congestion or hazards to pedestrian or vehicular traffic.
- D. When a PD contains several trade uses, these shall be planned as groups with common parking areas and access. Undeveloped areas intended for future phases of development shall be maintained in a neat and orderly manner. Planned trade uses shall be developed utilizing landscaping and screening to buffer parking areas, loading docks, and outdoor storage of materials and products from adjacent residential areas.

7-5 ADMINISTRATIVE PROCEDURES AND REQUIREMENTS

7-5-1 An applicant shall make application for the approval of the PD to the Department. At the applicant's option, the application may include an Outline Development Plan. If no Outline Development Plan is filed with the application, the applicant shall accompany the application with a Preliminary Development Plan or Final Development Plan as determined applicable by the Department at a pre-application conference with the applicant.

7-5-2 The Governing Body reserves flexibility in making determinations regarding PD rezone applications. Depending upon the detail of the submittal attached to the rezone petition, and the amount and type of impact potentially created by the PD, the Governing Body may:

- A. Approve a specific density at the Outline Development Plan stage.

- B. Approve only a "design density" at the Outline Development Plan stage, which sets maximum density limits fully contingent upon satisfaction of the subsequent submittal. The design density constitutes no commitment to approval of subsequent submittals. The specific density shall then be established at the subsequent submittal.

7-5-3 OUTLINE DEVELOPMENT PLAN - The purpose of the Outline Development Plan is not to require in-depth site analysis at this stage, but to review the contents of the proposal to determine if public or private benefits would be derived through the use of a PD zone. Submittal material for the Outline Development Plan need not normally exceed in detail the requirements listed below. A developer may voluntarily submit more detailed information, and the Governing Body may require more detailed information when necessary to make a decision.

- A. Submittal Requirements - An Outline Development Plan attached to a rezone petition to establish a PD zone shall include the following general information, intended to answer the question, "Should these uses be allowed in this location, at this approximate density, related in this manner to surrounding uses?"

1. A conceptual site plan shall show the various existing and proposed types of land uses, depicting their relationship to each other and to surrounding uses. This site plan should take the form of a "bubble" map, which locates proposed types of uses in an approximate fashion, including tentative circulation diagrams and anticipated buffers or screening, rather than building footprints or precise street layouts.
2. A written statement shall contain the following information:
 - a) The approximate number of acres in each type of land use.
 - b) The request in terms of approximate or "design" density.
 - c) The character and density of dwellings, structures or uses on each portion of the property.
 - d) Soil types and their boundaries, based on approved Soil Conservation Service information.
 - e) Developments exceeding forty acres in size shall indicate if portions of the total land area will be phased. Those projects of less than forty acres shall submit the entire area for preliminary review at one time.
 - f) A general indication of the expected schedule of development.
 - g) Legal description of the area proposed for rezoning.
 - h) Names and addresses of all adjacent (see definition) property owners within 200 feet of all boundaries of the property.
3. Section 7-1 (General) and Section 7-3 (General Provisions) shall be taken into consideration in preparation of the Outline Development Plan.

B. Processing Procedures

1. Within sixty days after the submittal of the Outline Development Plan, the Planning Commission shall hold a public hearing on the PD zoning petition and the submitted Outline Development Plan. A writ-

ten recommendation addressing the zoning petition shall be forwarded to the Governing Body within thirty-five days of the Commission hearing, and within that thirty-five days, a determination shall be made by the Planning Commission accepting, rejecting, or requiring modifications for the plan. Appeals from the decision of the Planning Commission as to the plan may be made in the manner set out in Section 2-2-2C of this Code.

2. Within thirty days of the receipt of the Planning Commission recommendation, the Governing Body shall hold a public hearing on the rezoning petition.
3. Within thirty days of its hearing, the Governing Body shall address the rezone petition and determine whether the proposed PD conforms with adopted plans and policies. Approval of any petition shall be followed by establishment of a PD designation on the zoning map. Upon an appeal, the Governing Body shall address the Outline Development Plan and either accept, reject, or require modifications for the preliminary plan preparation. Acceptance of an Outline Development Plan and its accompanying "design" density shall not commit to approval of a subsequent preliminary plan, densities or uses, unless the commitment is made at this time. If a "specific" density is given at the Outline Development Plan stage, it shall be attached to the PD designation on the zoning map.
4. A Preliminary Plan, including all required submittal material, shall be submitted within twelve months of acceptance of the Outline Development Plan. If the developer desires an extension, the developer shall submit a letter stating the circumstances necessitating the extension. The Governing Body or Planning Commission, depending on which approved the plan, may for good cause shown, extend the preliminary submittal deadline, or may otherwise withdraw its acceptance of the Outline Development Plan.

7-5-4 PRELIMINARY PLAN

- A. A Preliminary Plan constitutes the major step in the review process. The submittals shall be detailed enough to answer the question, "Should this use, designed in this particular manner, be constructed on this site?" The accepted "design" density indicated in the Outline Development Plan approval cannot be presumed as a matter of right from the PD zoning designation, but shall be justified at the preliminary stage through site and structure design, unless the Governing Body previously committed itself to a specific density. The Governing Body, unless it has previously committed itself to approval of a "specific" density, reserves the right to reduce the density on all or any portion of a PD when it determines that the design fails to fulfill the purposes of this Code and Chapter. All required perimeter street rights-of-way shall be dedicated at the time of approval of a preliminary plan.

B. Submittal Requirements

1. All materials required by the Preliminary Plan section of the Subdivision Regulations (see 6-7).
2. A plot plan indicating each building site and common open area, showing the approximate location of all buildings, structures and improvements, and indicating the open space around buildings and structures.
3. Elevations and/or perspective drawings of all proposed structures and improvements, except single family detached residences and their accessory buildings. The drawings need not be the result of final architectural design and need not be in detail.
4. A development schedule indicating:
 - a) The approximate date when construction of the project can be expected to begin.
 - b) The stages in which the project will be built and the approximate date when the construction of each stage can be expected to begin.
 - c) The anticipated rate of development.
 - d) The approximate dates when the development of each of the stages in the development will be completed.
 - e) The area and location of common open space that will be provided at each stage.
5. Agreements, provisions or covenants which govern the use, maintenance and continued protection of the PD and its common areas.
6. The following plans, reports and diagrams shall be submitted.
 - a) An off-street parking and loading plan.
 - b) A circulation diagram indicating the proposed movement of vehicles, goods and pedestrians within the PD and to and from existing thoroughfares. Any special engineering features and traffic regulation devices needed to facilitate or ensure the safety of this circulation pattern shall be shown.
 - c) A landscaping and tree planting plan.
7. Names and addresses of all adjacent (see definition) property owners within 200 feet of all boundaries of the property.
8. For a PD using the PDD zone, sufficient additional information shall be submitted to determine if the proposal meets the adopted "review criteria for the Downtown Planned Development zone.

C. Processing Procedures

1. Within sixty days of the submittal of the Preliminary Plan, the Planning Commission shall review the plan at a public hearing. Within thirty-five days of the public hearing, the Planning Commission shall approve, deny, or approve with modifications the Preliminary Plan. Appeal from the Planning Commission decision may be made in the

manner set out in Section 2-2-2C. An approval by the Planning Commission of a project containing residential units shall contain a specific residential density recommendation to the Governing Body to be attached to the PD designation unless density has been previously determined.

2. The Governing Body shall review the density proposal and upon appeal, the Preliminary Plan at a public hearing within thirty days of receipt of the Planning Commission recommendation. The Governing Body shall consider the contents of the preliminary submittal, the recommendation of the Commission, and shall then approve, deny, or approve with modifications the Preliminary Plan within thirty days of the hearing. The Governing Body shall set the specific density. The approved density shall be attached to the PD designation on the zoning map.
3. If the Preliminary Plan is filed in phases, specific densities shall be assigned to each phase. Density at each preliminary phase shall be justified by specific design. Non-utilized density from one phase may be carried over to another phase.
4. The Department reserves the option to suggest changes in the PD throughout the preliminary review process. If the Preliminary Plan is not approved, the applicant may resubmit an amended Preliminary Plan in accordance with the submittal and processing procedures.
5. Following the approval of a Preliminary Plan, the applicant shall file with the Department a Final Development Plan and Final Subdivision Plat in accordance with the approved development schedule. Approval of a Preliminary Plan is effective in accordance with the subdivision regulation (Chapter 6). An approved preliminary area may be finalized by more than one final plan and plat.
6. Any Homeowners Association created to administer the project's lands or facilities shall be incorporated. Articles of Incorporation and Restrictive Covenants shall be recorded at, or prior to, the recording of the Final Development Plan and Plat.

7-5-5 FINAL DEVELOPMENT PLAN AND FINAL SUBDIVISION PLAT

- A. Submittal Requirements (unless waived by other portions of this Chapter see 7-3-4)
 1. The applicant shall submit all materials required by the Final Plat section of Chapter 6.
 2. A Final Development Plan shall be required which finalizes the information required in the Preliminary Plan.

B. Processing Procedures

1. Within sixty days after the submittal of the Final Development Plan, the Planning Commission shall review the Final Plan and Plat at a regular meeting. It shall approve, deny, or require changes to the final plan and/or plat within thirty days of its hearing. Appeal from the decision of the Planning Commission may be made in accordance with the provisions of Section 2-2-2C.3.
2. Upon appeal, the Governing Body shall review the plan and Planning Commission recommendation at a regular meeting. The Governing Body shall approve, deny, or require changes to the Final Plan and/or Plat within thirty days of its hearing.
3. Upon final approval, the plan and plat shall be recorded in accordance with Chapter 6. The final plat shall contain all of the following information which is pertinent to the PD: the negotiated setbacks, a list of approved and/or specifically excluded uses, and any pertinent conditions or stipulations which were attached to the approval.
4. All public or commonly owned site improvements such as, but not limited to those listed below, shall be included in the improvements agreement, improvements guarantee, and development schedule:
 - a) Road grading, surfacing/signing/lighting
 - b) Curbs/gutters
 - c) Sidewalks/pedestrian walks/trails/associated structures
 - d) Sanitary sewers stubbed to each lot
 - e) Water lines stubbed to each lot, including fire hydrants
 - f) Drainage structures/improvements
 - g) Open space improvements/facilities/landscaping
 - h) Structures/parking areas
 - i) Irrigation water system for open space
5. Unless the time limit established by the final development schedule has passed, the appropriate official may issue building permits for buildings which conform to the recorded Final Development Plan. If the time limit established by the final development schedule has passed, the requirements of 7-5-7 shall be met prior to issuance of any building permits.

7-5-6 AMENDMENTS TO THE FINAL PLAN - No changes may be made in the approved final plan except upon application to the appropriate agency under the following procedures:

- A. Minor changes may be authorized by the Administrator under the following provisions, if those changes are required by engineering or other circumstances not foreseen at the time the final plan was approved.
 1. A request for a "minor change" shall be made in writing, and a record of any approved change shall be filed with the development plan.

2. In a Planned Downtown Development, any change which results in a reduction of points earned (or non-compliance with a requirement) will not be considered a minor change and will require review and approval by the Planning Commission.
 3. The term "minor changes" as used in this Section, is considered to represent changes which do not alter the overall characteristics of the total plan and which create no adverse impacts on adjacent uses or public services and facilities. Some examples of what can be considered as minor changes are:
 - a) Changes in location and species of landscaping and/or screening as long as the approved character and intent is maintained.
 - b) Changes in the orientation of portions of parking areas as long as the effectiveness of the overall site circulation and parking is maintained.
 - c) The reorientation but not complete relocation of major structures.
 - d) Changes resulting in a decrease of building separation or setbacks as long as those changes will not impact adjacent properties or uses. Notification to adjacent property owner shall be required whenever the change is abutting an existing use. If the abutting owner notifies the Administrator that the change is not acceptable, the Administrator shall refer the request to the Planning Commission at the first available meeting.
- B. All other changes and any changes in the approved final plat shall be made by the Planning Commission or, upon appeal, the Governing Body by submittal of a revised final plan and/or plat. No amendments may be made in the approved final plan unless they are shown to be required by changes in conditions that have occurred since the final plan was approved, by changes in the development policy of the community, or by conditions that were unforeseen at the time of approval of the Final Development Plan.
- C. Any changes which are approved for the final plan and/or plat shall be recorded as amendments to the recorded plan and/or plat.

7-5-7 ENFORCEMENT OF DEVELOPMENT SCHEDULES - If the owner(s) of property in a planned development have failed to meet the approved development schedule, or have failed to commence development within two years if no other development schedule has been approved, the department will initiate the following process:

- A. The staff will contact the owner(s) of the project and request an update on the project's status. Based on the response to the request for update, the staff will take one of the following actions:
 1. If the owner(s) indicate that the project will commence within 60 days from the date of contact, the staff will maintain the project in active status. The file shall be reviewed and the owner(s) will be

required to update any applicable information or documents prior to commencing construction. If the project does not commence within the 60-day period, the staff shall automatically place the project on inactive status.

2. If the owner(s) indicate the project is no longer valid, staff shall arrange for reversion of the original project approval.
3. If the owner(s) indicate that the project may still be developed at some future date, the staff shall place the project on inactive status in accordance with 7-5-7B.
4. Projects on inactive status shall be reviewed every two years by staff. When conditions have changed to such a degree that the project may no longer be appropriate as originally approved, the staff will schedule the project for review before the original approving agency and may recommend that all or part of the approval be revoked. Where it appears that a project is still appropriate as originally approved, staff may automatically extend the inactive status for another two years.

During each review the owner(s) of the project will be contacted and asked if they wish to continue the inactive status of the project. If not, the provision of 7-5-7A.2 shall apply.

- B. Projects placed on inactive status maintain their development approvals but development shall not occur and permits shall not be issued until the project is returned to active status. Reactivation may be accomplished through the following steps:
1. Written notification that the owner(s) wish to reactivate the project.
 2. Staff review of project file and written notification to the owner(s) of information or documentation which requires updating.
 3. Upon receipt of updated documents or information and assurance that the project meets applicable Code requirements, the staff shall notify the owners that the project is reactivated and development may commence.
- C. Any changes proposed in the approved plan shall comply with the standards and requirements of 7-5-6.

**CHAPTER EIGHT
VACATION OF
RIGHTS-OF-WAY AND EASEMENTS**

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CHAPTER EIGHT
VACATION OF RIGHTS-OF-WAY AND EASEMENTS

8-1 PROCEDURES

8-1-1 The applicant shall schedule a conference with the staff prior to submittal.

8-1-2 Applicants shall submit the required materials to the Department. Only complete submittals shall be accepted.

8-1-3 Staff shall distribute copies of the submitted material for review to the appropriate agencies. These offices shall advise Staff of comments on the material within ten working days of receipt of the application (see 2-2-2).

8-1-4 The staff shall present the application, together with comments of reviewing offices, to the Planning Commission at a hearing not later than forty-five days from the required submittal date except as provided in 2-2-2. The Planning Commission shall recommend approval or disapproval of the application, either in whole or in part.

8-1-5 Upon the recommendation of approval, either in whole or in part, the Staff shall schedule the application for hearing before the Governing Body. This hearing shall be scheduled within thirty days from the date of receipt of the Planning Commission recommendation, unless the applicant agrees, in writing, to an extension of time. In this case, the hearing may be extended for an additional forty-five days. If the Planning Commission recommends denial, the item shall not be scheduled unless within thirty days of that action, a written request is submitted to the Department by the applicant. In this case the hearing shall be held within thirty days of the date the request is submitted.

8-1-6 The recommendation of the Planning Commission and decision of the Governing Body, including the reasons and/or conditions, shall be set forth in the minutes of the meetings.

8-2 SUBMITTAL REQUIREMENTS

8-2-1 Completed Application Form

8-2-2 Site Plan

A. The location of all properties and buildings adjacent to the proposed vacation.

B. Present zoning and land use of the above.

C. Locations of all existing utilities in or adjacent to the proposed vacation.

D. Existing rights-of-way within a one-quarter mile radius of the right-of-way proposed for vacation.

E. Other information which may be required to adequately review the proposed vacation.

8-2-3 A written statement addressing the reasons for requesting the vacation.

8-2-4 Names and addresses of all adjacent (see definition) property owners within 200 feet of all boundaries of the property.

8-3 CRITERIA

The following criteria shall be used in evaluation of all right-of-way or easement vacations:

8-3-1 The proposal shall not landlock any parcels of land.

8-3-2 The proposal shall not restrict the access to any parcel so that access is unreasonable or economically prohibitive.

8-3-3 The proposal shall have no adverse impacts on the health, safety, and/or welfare of the general community, and will not reduce the quality of public services provided to any parcel of land, i.e. police/fire protection and utilities services.

8-3-4 The proposal shall not conflict with adopted plans and policies.

8-3-5 Does the proposal provide benefits to the City such as reduced maintenance requirements, improved traffic circulation, etc.?

**CHAPTER NINE
REQUIREMENTS FOR BUILDING PERMIT**

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**CHAPTER NINE
REQUIREMENTS FOR BUILDING PERMIT**

9-1 APPLICATION

From and after the effective date of this Code, structures shall be erected only on parcels of land that are part of a subdivision or exemption approved in accordance with the provisions of this Code. (See 2-1-2 for items requiring permits.)

9-1-1 EXCEPTIONS - The provisions of the preceding paragraph shall not apply to the following situations.

A. If the parcel of land is in a lot in a legally approved subdivision recorded prior to the effective date of this Code; or if the parcel of land was a legally separate parcel of land prior to the effective date of this Code, and if the following requirements are met:

1. For all multi-family and trade uses improvements which would be required by this Code are in place, or the owner agrees to enter into an improvement agreement and/or a power of attorney, shall be granted for the property.
2. All rights-of-way and/or easements which would be required have been provided, including public rights-of-way frontage or an access easement of record.
3. All applicable requirements and standards required by this Code have been met.

9-2 PROCESSING PROCEDURES

9-2-1 APPLICATION

- A. Obtain application from the Building Department. The Staff will help the applicant determine the exact materials required for submittal.
- B. Submit the required materials.

9-2-2 Applications shall be reviewed by the Building Department for conformance with applicable Building Codes.

9-2-3 Following review by the Building Department, the application shall be sent to the Planning Department to review for conformance, conditions of project approval, and for other applicable regulations.

9-2-4 Applications may be reviewed by other agencies as determined by the Department in accordance with 2-2-2.

9-2-5 Following review, the application shall be approved, approved with conditions, or denied. Applications which are denied shall have the reasons for denial in writing attached to the application.

9-3 SUBMITTAL REQUIREMENTS

9-3-1 Completed Application Form.

9-3-2 Building plans shall be submitted as required by adopted Building Codes. One copy is required for single family or duplex construction and accessory structures. Two copies are required for all other structures. Additional copies may be requested by the Department.

9-3-3 A gamma radiation survey as required by the Colorado Radiological Health Department.

9-3-4 Curb cut permits as required by City Engineering Department, County or State Highway Department, if applicable.

9-3-5 Sanitary sewer clearance shall be required from applicable sanitation district, or the City.

9-3-6 For all structures other than single family residences, a site plan review approval by staff shall be required prior to issuance of building permit (see 5-6-13).

- A. The applicant and the staff shall review the submitted site plan for conformance with the requirements of this Code. Upon determination that all requirements and the intent of this Code are met, the Staff shall approve the site plan.
- B. If the Staff determines that the site plan does not indicate compliance with all requirements and the intent of this Code, the applicant may appeal such determination to the Planning Commission.
- C. If the Planning Commission decision is not acceptable to the applicant, the applicant may request review by the Governing Body. Action by the Governing Body shall be considered final.

9-3-7 Other information may be required by the Department to adequately review the application, such as fire flow surveys, soil tests, etc.

**CHAPTER TEN
VARIANCES AND APPEALS**

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10-2 BUILDING CODE BOARD OF APPEALS

**CHAPTER TEN
VARIANCES AND APPEALS**

10-1 ZONING AND DEVELOPMENT CODE BOARD OF APPEALS

10-1-1 BOARD PROCESSING AND APPLICATION

A. Board Jurisdiction and Power--The Board shall have the power and duty to:

1. Hear and decide appeals by an applicant affected by an administrative decision made pursuant to this Code. The Board shall determine if the decision was made within the intent of this Code in the public interest.
2. Hear and decide appeals for variance from the bulk requirements of the zoning districts in this Code. No variance of use density or the A (Allowed), S (Special), or C (Conditional) enumerated uses of a particular zone shall be permitted (see 4-10 which addresses interpretations).
3. Make recommendations to the Planning Commissions for changes to this Code.

B. Criteria for Board Decision

1. Appeal of Decision - In an appeal to the Board regarding an administrative decision, the Board's scope of review shall be limited to determining if the decision is in accordance with the intent and requirements of this Code and accordingly, the Board will affirm or reverse the decision.
2. Appeal for Variance - A variance shall not be considered a right or special privilege. It may be granted to an applicant only upon showing undue hardship because of site characteristics, or only when the variance will not conflict with the intent of this Code. The Board may grant a variance from the bulk requirements of the zoning districts only when all of the following criteria are satisfied:
 - a) The granting of the variance will not conflict with the public interest as expressed by the adopted comprehensive plans, and
 - b) There are exceptional conditions creating an undue hardship, applicable only to the property involved or the intended use thereof, which do not apply generally to the other land areas or uses in the zone district, and
 - c) The granting of the variance will not be detrimental to the public health, safety or welfare, and

- d) The applicant cannot derive a reasonable use of the property without a variance, and
- e) The variance will not be injurious to the adjacent properties or improvements.

In granting a variance, the Board may attach conditions necessary to protect affected property owners and to protect the intent of this Code.

3. Appeal for Variance of Sign Regulations - The Board may grant a variance from the provisions or requirements of the Sign Regulations only where all of the following criteria are satisfied:

- a) The literal interpretation and strict applications of the Sign Regulations would cause undue and unnecessary hardship to the sign owner because of unique or unusual conditions pertaining to the specific building or property in question, and
- b) The grant of the variance would not be materially detrimental to the property owners in the vicinity, and
- c) The unusual conditions applying to the specific property do not apply generally to other properties in the City, and
- d) The granting of the variance will not be contrary to the general objective of moderating the size, number, and obtrusive placement of signs and the reduction of clutter.

In granting a variance, the Board may attach conditions regarding the location, character, and other features of the proposed sign as necessary to carry out the intent and purpose of the Sign Regulations.

4. Appeal for Variance of Floodplain Regulations, Geological and Wildfire Hazard Regulations - In appeals to the Board regarding administrative decision, the Board's scope of review shall be limited to determining if the decision is in accordance with the intents and requirements of the applicable regulation. The Board is not empowered to allow a use specifically prohibited within the applicable regulations.

C. Application and Processing Procedures

- 1. Appeal of an administrative decision shall be submitted to the Department within thirty days of receipt of the decision. This time may be extended to ninety days if the applicant can show that the result of the decision was not readily apparent within the first thirty days. The appeal shall consist of:
 - a) A letter from the applicant stating the decision being appealed, the effect of the decision, the reasons why, based on the Code, the decision is being appealed.

- b) Application form and supporting documents requested by the Department.
 - c) Exhibits in the form of letters, maps, or documents which may assist the applicant's appeal presentation.
2. Appeal for variance shall be submitted to the Department. The appeal for variance shall consist of:
- a) Application form and supporting documents requested by the Department.
 - b) Any drawings and/or illustrations which may be required to show the nature of the variance and its effect.
 - c) Names and addresses of all adjacent (see definition) property owners within 200 feet of all boundaries of the property.
- D. Applications to the Board shall be reviewed at a public hearing within thirty-five days of the submittal of application to the Department.
- E. The Board shall reach a decision within sixty-five days of the initial public hearing. The Department shall give the applicant written notice of the Board's decision.
- F. Hearing Minutes - The Board shall keep minutes of the hearing and decision.
- G. Validity Limit - Rights and privileges established by the granting of a variance shall be exercised within one year after the date of the granting unless a different time limit is specified by the Board at the time of the granting of the variance. Failure to exercise a variance within the time limits specified shall cause the variance to become null and void.

10-1-2 BOARD COMPOSITION AND OPERATION

- A. Composition - There is hereby created a Zoning and Development Code Board of Appeals. The Board shall consist of seven voting members, and advisory non-voting members, (see 10-1-2A.1 and 2), appointed by the City Council. Each member shall serve a term of three years. * Initial first appointments shall be served as follows: three appointees shall serve three years, two shall serve two years and two shall serve one year. Non-voting members shall have all powers, rights, duties, and responsibilities of voting members except the right to cast a vote upon any motion before the Board. The non-voting members will provide information, alternatives and effects related to an application..
1. Two non-voting members shall be appointed to hear appeals by an applicant affected by an administrative decision made pursuant to the Sign regulations of this Code. The non-voting members shall be advisory to the Board of Appeals (see also 10-1-2B.1).

2. Two non-voting members shall be appointed to hear appeals by an applicant affected by an administrative decision made pursuant to the Floodplain Regulations, Geological, or Wildfire Hazard Regulations of this Code. The non-voting members shall be advisory to the Board of Appeals (see also 10-1-2B.2).
- B. Identity of Members - The members shall be residents of the City of Grand Junction and shall represent the interests of the City as a whole. The Board members shall be selected from the fields of engineering, architecture, construction trades, and citizens at large. One member from the Planning Commission may be appointed to the Board.
 1. Of the two non-voting advisory members for Sign Regulations appeals, one shall be actively employed in or by the sign industry and the other shall be principally interested in environmental beautification or betterment.
 2. Of the two non-voting advisory members for Floodplain Regulations, Geological and Wildfire Hazards Regulations appeals, one shall be a hydrologist and the other shall be a geologist.
 - C. Vacancies - All vacancies shall be filled by appointment by the City Council.
 - D. Removal - Members of the Board may be removed after public hearing by the Governing Body for inefficiency, neglect of duty, or malfeasance in office. The Governing Body shall make public a written statement of reasons for the removal prior to said public hearing.
 - E. Meetings - Public meetings of the Board shall be regularly scheduled at least once a month. Special meetings may be held as provided by rules of procedure adopted by the Board. The presence of four voting members is necessary to constitute a quorum.
 - F. Compensation - All members shall serve without compensation. Actual expenses incurred in performing duties may be compensated.

10-2 BUILDING CODE BOARD OF APPEALS

For appeals on a decision based on adopted building codes, see Section 204 of the Uniform Building Code, 1979, as amended.

**CHAPTER ELEVEN
ADOPTIONS OF TEXT AMENDMENTS**

CONTENTS:

11-1 PROCEDURES

- 11-1-1 Submittal of Materials
- 11-1-2 Review of Application
- 11-1-3 Scheduling for Planning Commission
- 11-1-4 Recommendation of Planning Commission
- 11-1-5 Scheduling for Governing Body

11-2 CRITERIA FOR EVALUATION

- 11-2-1 Support of Adopted Plans and Policies
- 11-2-2 Consistency with Code
- 11-2-3 Adverse Impacts

CHAPTER ELEVEN
ADOPTIONS OF TEXT AMENDMENTS

This Chapter of the Code shall set forth the procedures, requirements, and criteria for adopting amendments to the text of this Code. Amendments to the text may be proposed by citizens, administrative staff, Planning Commission, or Governing Body.

11-1 PROCEDURES

11-1-1 An applicant shall submit to the Administrator the following materials:

- A. A written application outlining the intents and scope of the proposed amendment together with the probable effects of the proposed amendment, both positive and negative. Note any unique effects on particular land use areas, or social and economic factors.
- B. Attached to A. above shall be a copy of the existing section of the Code which is proposed for amendment.

11-1-2 The Department shall furnish a copy of the application for review to agencies which may be affected by the proposed amendment (see 2-2-2).

11-1-3 The Department shall draft and schedule the proposed amendment for public hearing before the Planning Commission within sixty days from the date of submittal. Staff shall present the application, together with any comments from reviewing agencies, to the Planning Commission.

11-1-4 The Planning Commission may recommend approval, disapproval, or changes to the amendment, either in whole or in part. The Commission shall not act without review and consideration of comments forwarded from Mesa County staffs, Planning Commission, or Governing Body. The Commission may elect not to make an immediate recommendation on an application but to present a finding of fact at a subsequent meeting. A finding of fact and recommendation shall be presented to the Governing Body within sixty-five days of the date of the hearing.

11-1-5 The proposed amendment shall be scheduled for public hearing before the Governing Body. The Governing Body shall not act without review and consideration of comments forwarded from Mesa County staffs, Planning Commission or Governing Body. The Governing Body may elect not to take immediate action on the proposed amendment but to present a finding of fact at a subsequent meeting. A finding of fact shall be presented and acted upon within sixty-five days of the Governing Body hearing.

11-2 CRITERIA FOR EVALUATION

The following criteria shall be used in evaluating a proposed amendment:

11-2-1 The amendment supports the adopted plans and policies.

11-2-2 The amendment is consistent with the other portions of this Code.

11-2-3 The amendment has no adverse impacts on the health, safety and/or welfare of the general public.

**CHAPTER TWELVE
ADMINISTRATION AND ENFORCEMENT**

CONTENTS:

12-1 IDENTIFICATION OF ADMINISTRATOR

12-2 INSPECTION BY ADMINISTRATOR

12-3 CODE VIOLATIONS AND ENFORCEMENT

12-4 CIVIL REMEDIES

12-4-1 Injunction and Abatement

12-4-2 Civil Penalty

12-5 CRIMINAL PENALTY

**CHAPTER TWELVE
ADMINISTRATION AND ENFORCEMENT**

The procedures outlined in this Chapter are applicable to all portions of this Code.

12-1 IDENTIFICATION OF ADMINISTRATOR

The Administrator of this Code shall be selected by the Governing Body through appropriate process and instruments. The Administrator is authorized to establish Department standards of operation and procedures consistent with the purpose of this Code, and is further empowered to delegate the duties and powers granted to and imposed upon the Administrator under this Code. As used in this Code "Administrator" shall include staff authorized by the Administrator.

12-2 INSPECTION BY ADMINISTRATOR

The Administrator is hereby empowered to enter or inspect any building, structure or premises in the City upon which, or in connection with which, a development or land use is located for the purpose of inspection to ensure compliance with the provisions of this Code. Such inspections shall be carried out during business hours, unless an emergency exists. Inspections shall be made only after contact with the owner of the premises, whose permission for the inspection shall be secured. Failing permission, no inspection shall be undertaken without an order from a court of competent jurisdiction.

12-3 CODE VIOLATIONS AND ENFORCEMENT

12-3-1 The remedies provided in this Section for violations of or failure to comply with provisions of this Code, whether civil or criminal, shall be cumulative and shall be in addition to any other remedy provided by law. It is intended that the civil penalty described herein shall be used in preference to the criminal penalty. Exception as otherwise provided in this Code, any development or use initiated after adoption of this Code which is not in compliance with the provisions of this Code shall be referred to herein as an "unlawful" development or use.

12-3-2 In the case of violations or noncompliance of conditions of approval established by a Governing Body, a hearing in accordance with 4-6-2D, E, and F before the Planning Commission and Governing Body to investigate a revocation of the previous approval may be held prior to civil action.

12-4 CIVIL REMEDIES

The violation and/or failure to comply with the provisions of this Code shall be and hereby is declared to be unlawful.

12-4-1 INJUNCTION AND ABATEMENT - The City, through its authorized agents, including the Administrator of this Code, may initiate injunction or abatement proceedings or other appropriate action in a court of competent jurisdiction against any person who violates or fails to comply with any provision of this Code, to prevent, enjoin, abate, or terminate violations of this Code.

12-4-2 CIVIL PENALTY - Any person who violates or fails to comply with any of the provisions of this Code shall be subject to a civil penalty of not less than ten dollars nor more than three hundred dollars for each offense. Each day that a violation exists shall constitute a separate offense. The party bringing the action to recover the civil penalty may retain any penalty levied by the court, less court costs. In any suit brought by a person, as defined in this Code, the prevailing party shall recover judgment for attorney's fees incurred in bringing the action, in an amount considered reasonable by the court, against the non-prevailing party.

12-5 CRIMINAL PENALTY

The violation and/or failure to comply with any of the provisions of this Code shall be and hereby is declared to be a misdemeanor. Upon conviction, any person in violation of, or showing failure to comply with, any of the provisions of this Code shall be punished by a fine of not more than three hundred dollars or by imprisonment for not more than ninety days, or by both fine and/or imprisonment, for each week or portion thereof, that the violation or non-compliance has continued. Every person concerned in the violation of, or showing failure to comply with the Code, whether the person directly commits the act or aids or abets the same and whether present or absent, shall be proceeded against and held as a principal. As an additional means of enforcing this Code, the Administrator may accept a written assurance of discontinuance of any act or practice determined to be in violation of this Code or of any rule or regulation adopted pursuant hereto, from any person engaging in or who has engaged in such act or practice. An assurance shall specify a time limit during which such discontinuance is to be accomplished. Failure to perform the forms of assurance shall constitute prima facie proof of a violation of this Code or any rule or regulation adopted pursuant hereto or order issued pursuant thereto, which make the alleged act or practice unlawful for the purpose of securing any injunction relief from a court of competent jurisdiction.

CHAPTER THIRTEEN DEFINITIONS

Words contained in this section are those having a special meaning relative to the purposes of this Code. Words not listed in this section shall be defined by a reference to a published standardized dictionary.

ABUTTING PARCELS

Parcels which are directly touching and have common parcel boundaries. (Parcels across a public right-of-way would not be abutting.)

ACCESSORY STRUCTURE

A detached subordinate structure, the use of which is customarily incidental to and supportive of the principal structure or the principal use of land and which is located on the same parcel of ground with the principal structure or use.

ACCESSORY USE

A use CUSTOMARILY incidental to, subordinate to, and supportive of the principal use of the parcel.

ACQUISITION

The purchase, lease, or contract for purchase of land.

ADJACENT

For purpose of this Code shall mean surrounding. The width of public right-of-way, easements, canals or waste ditches shall not be counted when determining distance for adjacent properties, uses, etc.

ADMINISTRATIVE DECISION

Decisions made by city staffs.

ADMINISTRATOR

The Administrator of the Code as selected by the City Council to serve within the Grand Junction Development Department.

AGRI-BUSINESS

A business and/or commercial use operated primarily for the support of agricultural needs. It may consist of products, materials, and equipment servicing and sales; storage and/or processing of agricultural products and/or animals; medical and/or technical support services.

AGRICULTURAL ANIMALS

Those animals commonly associated with agricultural use, such as cows, horses, pigs, sheep and chickens, whose primary value is commercial rather than personal enjoyment.

ANIMAL CLINIC

Facility for the medical care and treatment of animals under the supervision of a licensed veterinarian with no outdoor accommodations for animals.

ANIMAL HOSPITAL

Facility for the medical care and treatment of animals under the supervision of a licensed veterinarian with outdoor accommodations for animals.

APPLICANT

Any person, firm, partnership, joint venture, association, corporation, group or organization who may apply for any permit, approval or decision required by this Code.

ARCHITECTURAL BLADE

Roof or projecting sign, with no legs or braces, designed to look as though it could be part of the building structure rather than something suspended from or standing on the building.

AREA OF INFLUENCE (Airport)

An area surrounding the airport which is impacted or influenced by proximity to the airport, either by aircraft overflight, noise and/or vibrations, or by vehicular traffic associated with airport operations.

AREA OF SHALLOW FLOODING

A designated AO or VO zone of the Flood Insurance Rate Map (FIRM). The base flood depths range from one to three feet; a clearly defined channel does not exist; the path of flooding is unpredictable and indeterminate; and velocity flow may be evident.

AUTOMOBILE SALES ESTABLISHMENT AND LOTS

An open area under private ownership used for the display, sale or rental of new and/or used automobiles where no repair work is done, except minor incidental repair of automobiles to be displayed, sold or rented. (An office/shelter structure as an accessory to the use is permitted.)

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 property shall carry a valid registration, have a registration or title applied for, or show a work order. Automotive equipment for which the shop operator holds no valid registration or work order shall be classified as salvage and junk and may not be kept, stored or worked on, in or on the property of an auto repair shop.

AVALANCHE

A mass of snow or ice and other material which may become incorporated therein when the mass moves rapidly down a mountain slope.

AVIGATION EASEMENTS

A legal recognition of airport proximity granting height restrictions and permission for the conditions arising from the overflight of aircraft in connection with the operation of the airport, but generally not precluding damages for physical damage to land or persons. (See Appendix for sample avigation easements.)

BLOCK

A land area consisting of contiguous lots established by recorded plats, usually bordered by public ways or spaces.

BOARD

Unless otherwise indicated in the text, Board shall refer to the Zoning and Development Code Board of Appeals.

BOARDING AND ROOMING HOUSE

A building containing a single dwelling unit and three or more rental rooms where lodging is provided, with or without meals, for compensation. "Compensation" may include money, services or other things of value. This use may also provide room, board and personal care facilities for the elderly. These facilities must have all applicable state or local licenses and meet safety standards as set forth by the Fire Department and City Building Inspection Department.

BUILDING

Any permanent roofed structure, except fences, built for the shelter and enclosure of persons, animals, materials or property of any kind.

BUILDING FACADE

That exterior side of a building which faces and is most nearly parallel to a public or private street. There can be only one building facade for each street upon which a building faces.

BUSINESS RESIDENCE

A single residential dwelling unit, conducted as an accessory use, within a structure primarily devoted to business or commercial uses, and meeting the requirements of this Code (see 5-1-10 and 4-3-4).

CAFE

A small establishment serving short order food and beverage where all service takes place within an enclosed building, for the neighborhood customer. Exterior eating areas may be permitted as an accessory use.

CAMPGROUND - OVERNIGHT

Campground located in urban areas or in close proximity to a major highway intending to serve the traveling public in need of overnight accommodation.

CAMPGROUND - RECREATIONAL

Campground located in close proximity to natural recreational areas and/or opportunities, providing an outdoor living environment.

CARPORT

A structure with roof providing space for the storage of one or more automobiles and enclosed on not more than two (2) sides by walls.

CENTERLINE

The true centerline of a street right-of-way which has been fully dedicated to its required width according to the Master Street Plan. Where all of the required width has not been dedicated as required by the Master Street Plan, or where the public right-of-way exists in an offset or angular manner, the City Engineer shall determine the alignment of the centerline.

CERTIFICATE OF OCCUPANCY

As defined in the Uniform Building Code.

CHANNEL

A natural or artificial low-lying area with definite bed and banks, which confines and conducts continuous or periodic flows of water.

CITY

The City of Grand Junction.

CLEAR ZONE (Airport)

A triangular shaped zone directly off the end of a runway primary surface, beginning 200 feet from the end of the pavement, which is clear of all above ground obstruction or construction. The width is the same as the primary surface. The length is determined by the use of the runway.

CODE

Unless otherwise specified refers to the City Zoning and Development Code.

COLLECTOR STREET

Streets penetrating neighborhoods and routes serving intra-county rather than statewide travel. A minor amount of through traffic may be carried on a collector street but the system primarily carries local traffic. Average trip lengths and travel speeds are less than on arterial routes..

COMMISSION

The Grand Junction Planning Commission.

CONDITIONAL USE

A use identified by this Code which requires action by Planning Commission and Governing Body after public hearings. Any use existing as an allowed use in the zone in which it is located on the effective date of this Code in which it is located on the effective date of this Code which is made a conditional use by this Code shall be considered an allowed use and not a conditional use, except as to uses in the H.O. (Highway Oriented) zone.

CONDOMINIUM

Ownership in fee simple of a cubic air space including only interior surfaces and undivided ownership share, in common with other purchasers, of the common elements of a project including land and its appurtenances.

CONVALESCENT HOME

A building where persons are provided with medical care designed to restore them to health.

COUNCIL

The Grand Junction City Council

COUNSELING CENTER

A facility where individuals or small groups, not to exceed 15 people, are provided professional counseling assistance with personal, emotional, marital, medical, or similar problems on an out-patient basis.

COUNTY

Mesa County

COURTYARD

An internally focused open space.

CRITICAL ZONE (Airport)

A rectangular shaped zone directly off the end of a runway primary surface, beginning 200 feet from the end of the pavement, which is critical to aircraft operations (i.e. more apt to have accidents within it) because of the takeoff and landing mode of aircraft in that particular area.

CUL-DE-SAC

A short, dead-end street terminating in a vehicular turn-around area.

DENSITY

The total number of dwelling units per acre on the total parcel, lot, or development, inclusive of any rights-of-way, easements, or open space which may be required as a condition of development approval.

DEPARTMENT

The Grand Junction Development Department.

DESERT LANDSCAPING

The use of landscaping materials, both vegetative and non-vegetative, which are native to an arid or semi-arid climate.

DEVELOPER

A person, firm, partnership, joint venture, association, corporation, groups or organization who shall participate as owner, promoter, developer or sales agent in the planning, platting, development, promotion, sale or lease of a development.

DEVELOPMENT

Construction, improvement, or placement of a use on a parcel of land.

DISPOSITION

A contract of sale resulting in the transfer of equitable title to an interest in land; a lease or an assignment of an interest in land; or any other conveyance of an interest in land.

DRIVE-IN

Facilities customarily providing parking spaces for the ordering, delivery, and consumption of a product or service in a parked vehicle.

DUST FREE

A minimum treatment of the native soil with a covering of asphalt, concrete, wood, masonry, granite, gravel, oil penetration or soil-cement.

DWELLING UNIT

Any structure or part thereof designed to be occupied as the living quarters of a single housekeeping unit.

EASEMENT

A right to use the land of another for a special purpose not inconsistent with the ownership of that land.

ENGINEER

Engineer licensed by the State Board of Registration.

EQUIPMENT

Rolling or unstationary stock except that, for the purpose of this Code, it shall not include those items defined as Heavy Equipment.

EQUIVALENT ENGINEERING PERFORMANCE STANDARDS FOR MANUFACTURED HOUSING

Standard in compliance with the requirements and limitations established for Manufactured Housing in 30-28-115, Colorado Revised Statutes, as from time to time amended.

EVIDENCE

Any map, table, chart, contract or other document or testimony prepared or certified by a person which attests to a specific claim or condition.

EXTRACTIVE USES

Surface and/or subsurface natural resources which may be extracted from the land. This includes exploratory drilling or mining but excludes individual water well drilling.

F.A.A.

Federal Aviation Administration.

F.I.A.

Flood Insurance Administration.

FAMILY

Any number of persons living together on the premises as a single dwelling unit, but shall not include a group of more than four individuals not related by blood, marriage, or adoption.

FAMILY FOSTER HOME

A home which receives one to four children for regular full-time care.

FARM AND RANCH STRUCTURES AND USES

Those structures and uses devoted to the shelter and/or raising of livestock, poultry, feed, flowers, crops, field equipment or other agricultural items, with or without a dwelling unit.

FEED LOT

An area which is used for custom feeding of livestock where charges are made to owners of livestock for yardage, feed and feed processing.

FEMA

Federal Emergency Management Agency

FEMA DEFINITIONS

For the purpose of floodplain management and compliance with Section 5-8 (Floodplain Regulation), and the terms Development, New Construction, Start of Construction and Substantial Improvement, shall be defined as per the "Guide for Ordinance Development" issued by the Federal Insurance Administration. These definitions shall apply only to floodplain matters and shall not be applied to any other section of this Code.

FENCE

A barrier of manmade construction regardless of the material used, including walls but not retaining walls. ("Material" does not include vegetative.)

FILL MATERIAL

Any type or quantity of material used to raise an existing ground level or material placed, stored or dumped within an area subject to flooding.

FINAL PLAT

A map establishing real estate interests for recording with the County Clerk and Recorder prepared by a registered surveyor. This survey shall be marked on the ground so that streets, blocks, lots and other divisions thereof can be identified and drawn in accordance with the requirements of this Code.

FIRE FLOW SURVEY

A testing of fire hydrants to determine capacity by volume and pressure for fire fighting purposes.

FLASHING SIGN

A sign which contains an intermittent or flashing light source or a sign which includes the illusion of intermittent or flashing light by means of animation or an externally-mounted light source.

FLOOD FRINGE DISTRICT

That area within a one hundred-year floodplain in which the flood waters are relatively shallow, and move at velocities in the neighborhood of one to four feet per second.

FLOOD INSURANCE RATE MAP (FIRM)

The official map on which the Federal Insurance Administration has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.

FLOOD INSURANCE STUDY

An official report provided by the Federal Emergency Management Agency that includes profiles, the Floodplain and Floodway Boundary Maps, and the water surface elevation of a one hundred-year flood.

FLOODPLAIN

An area adjacent to a watercourse which may be subject to flooding as a result of an increase in water flow beyond a normal high water mark.

FLOOD PROFILE

Hydrological conclusions, based upon historical facts and engineering principles represented graphically, and showing the relationship of the water surface elevation during a one-hundred year flood to the channel and adjacent topography.

FLOOD PRONE AREA

An area adjoining a watercourse, which may be considered subject to flooding, during a one hundred-year flood on the basis of historical information, topography, vegetation and other naturally occurring indicators, but where the precise dimensions of a one hundred-year floodplain have not been delineated by Federal Emergency Management Agency studies.

FLOOD PROOFING

A combination of provisions, changes or adjustments to structures and movable objects, or to surrounding areas, primarily for the reduction or elimination of flood damages.

FLOOD REGULATORY AREA

That portion of the floodplain which is subject to inundation by a one hundred-year flood. This area may be divided into the Floodway District and the Flood Fringe District.

FLOODWAY DISTRICT

That portion of the designated floodplain which is required to carry and discharge a one hundred-year flood without cumulatively increasing the water surface elevation more than one foot at any point.

FLUSH WALL SIGNS

A sign attached to or erected against the wall of a structure which has the sign face in a plane parallel to the plane of the wall and which does not extend more than twelve inches from the building face.

FREE-STANDING SIGN

A structure which is supported by one or more columns, uprights, poles or braces extended from the ground or which is erected on the ground; provided that no part of the structure is attached to any structure or other sign.

FRONTAGE

The frontage of a parcel of land is considered that distance where a property line is common with a road right-of-way line.

FRONT LOT LINE

The property line dividing a lot from a road right-of-way.

GARAGE - PUBLIC

A building attached or detached and accessory to the principal building on a parcel of land for the storage of motor vehicles. A structure other than a private garage used for the housing of motor vehicles or where vehicles are stored or kept for remuneration, hire or sale. This garage shall not be considered an "Auto Repair Shop."

GASOLINE SERVICE STATION

Buildings and/or surfaced area where automotive vehicles may be refueled and/or serviced. This service shall not include tire recapping, body painting or repair, or engine repair which requires removal of the head or pan of the engine.

GEOLOGIC HAZARD AREA

An area which contains or is directly affected by a geologic hazard.

GOVERNING BODY

The Grand Junction City Council.

GRADE

Generally grade shall be defined as ground level. Wherever possible, this shall mean undisturbed ground level which may be determined by on-site evidence (vegetation, ground level on adjacent land, elevation of adjacent streets and roads, soil types and locations, etc.)

- a. Where a development project has received project plan approval required by this Code, the grade shall be established on the basis of that approved site plan. Where grade cannot be reasonably determined by the above methods, the elevation of the grade shall be identified by Staff in accordance with the intent and purpose of this Code.
- b. For drainage purposes, grade shall be defined as the finished level of the soil where it meets the foundation wall of the structure in question. For the purposes of evaluating grade in meeting drainage criteria, grade shall apply to every point on the perimeter of a structure's foundation and/or site.

GREENHOUSE

See Nursery-Greenhouse.

GROSS FLOOR AREA

The total square footage of a building measured along outside enclosing walls including all floors of a multi-story building whether finished or unfinished.

GROUND SUBSIDENCE

A process characterized by the downward displacement of surface material caused by natural phenomena such as removal of underground fluids, natural consolidation, or dissolution of underground minerals or any manmade phenomena such as underground mining.

GROUND WATER

Subsurface water within and below the zone of continuous saturation.

GROUP RESIDENCE

Dormitory, sorority, fraternity, and/or lodging where three or more individual rooms are occupied on a non-transient basis.

GUEST RANCH

A working ranch, with an accessory use for the lodging and/or boarding of guests, which provides recreational activities on or adjacent to the ranch.

HABITABLE FLOOR

Any floor suitable for living purposes, which includes working, sleeping, eating, cooking, recreation, or a combination thereof. A floor used only for storage purposes is not considered a "habitable floor."

HAZARD PRONE AREA

An area which has not yet been officially designated as a geological hazard area but where historical evidence, climatological data, surface or subsurface geological, topographical, vegetative, or on other on-site naturally occurring indicators make the likelihood of designation apparent.

HEAD WATER

The source of a stream or river.

HEALTH DEPARTMENT

The Mesa County Health Department.

HEAVY EQUIPMENT

Large and weighty equipment including but not limited to: trucks with more than a 5-ton rating, cranes with a capacity of more than 3 tons, crawler-type tractors and earth movers weighing more than 3 tons, dump trucks with the capacity of 10 cubic yards or more, and other equipment of comparable size and weight.

HEIGHT OF STRUCTURES

The vertical distance from the grade to the highest point of the structure.

HIGHEST ADJACENT GRADE

The highest natural elevation of the ground surface prior to construction next to the proposed wall of a structure.

HIGH WATER MARK

The ordinary high water level or bank of a stream, river, lake or impoundment which, in the absence of evidence to the contrary, shall be presumed to be the edge of the vegetation growing along the shore.

HOME OCCUPATION

A vocational activity conducted as an accessory use, in a residential structure, secondary to the principal use of the structure for residential purposes, and meeting the requirements of this Code (see 5-1-9 and 4-3-4).

HOSPITAL

Any building used for the accommodation and medical care of human patients including sanitariums, but excluding clinics, rest homes and convalescent homes.

HOUSEHOLD PETS

Those animals which are commonly kept as pets, whose primary value is personal enjoyment. These animals shall not be raised for commercial purposes and shall be limited to common species whose presence in the neighborhood does not arouse unusual community interest or curiosity sufficient to attract the community residents to a specific neighborhood.

HUMAN SCALE

Buildings and spaces in scale with each other and in scale with the human use of these buildings and spaces.

IDENTIFICATION SIGN

A sign which shall refer only to the principal use of the parcel upon which the sign is located.

ILLEGAL SIGN

A sign which is in violation of the requirements of this Code except for those signs qualifying as non-conforming (see Sign Regulation).

IMPROVEMENTS

Street pavements, curbs, gutters, sidewalks, paths, bikeways, sedimentation control facilities, revegetation, water mains, sanitary and storm sewers, drainways, gas lines, electrical and telephone lines and appurtenances, street signs, trees and lights, lot pin monuments, range point boxes, and any other item required for compliance with the regulations of this Code or the conditions of approval.

INSTITUTIONAL SIGN

A sign setting forth the name of any public, charitable, educational, or religious institution.

INTEGRAL SIGN

Names of buildings, dates of erection, monumental citations, commemorative tablets and the like which are carved into stone, concrete or similar material or made of bronze, aluminum, or other permanent type construction and made an integral part of the structure.

JUNK

Any waste, scrap, surplus, or discarded material, including but not limited to metal, glass, paper, cardboard or fabric which worn, deteriorated, and/or obsolete and may or may not be used again in some form but excluding animal wastes and human sewage.

JUNK VEHICLE

Any motor vehicle which is not currently licensed by the State of Colorado except those vehicles considered to be antique or classic according to common usage.

JUNK YARD

A land area used for the storage, sale or abandonment of junk metals, glass, paper or other waste, including the dismantling, demolition, collection, crushing or baling of the waste materials. The term "Junk Yard" shall include "Wrecking Yard" and "Salvage Yard."

JURISDICTION

The sphere of responsibility of the Grand Junction City Council or a tax assessing district.

KENNEL

A facility in which four or more animals of the same species are housed, groomed, bred, boarded, or trained in return for compensation, or sold, and which may offer incidental medical treatment.

LANDLOCKED PARCEL

A parcel of land without access of record with the County Clerk and Recorder.

LANDSCAPE

An area set aside from structures and parking, which is developed with plantings, woods, stone, brick, rock, sand, textured or shaped concrete and/or pedestrian facilities (i.e. benches, tables, play facilities, paths, etc.).

LANDSLIDE

A mass movement where there is a distinct surface of rupture or zone of weakness which separates the slide material from more stable underlying material.

LAND USE

List of uses within categories enumerated in this Code for various uses of land in the City and County. (Uses that are not enumerated are determined by the Governing Body.)

LATERAL SEWER

A sewer which discharges into a trunk line and has only collection lines tributary to it. A line from a structure or use which discharges into a collection line is not a lateral.

LOADING SPACE

An off-street portion of a parcel for the temporary parking of commercial vehicles while loading or unloading materials for use or sale on the parcel. This space shall open onto a street or alley, and any use of the space shall not obstruct pedestrian or vehicular traffic upon the street or alley.

LOCAL ROAD OR STREET

Provides direct access to adjacent land and access to higher street classifications. All streets or roads not otherwise classified are local.

LODGE

A structure providing lodging or boarding for guests, located in close proximity to natural recreational areas and/or opportunities.

LOT

A parcel of land as established by recorded plat.

LOT AREA

The area of land enclosed within the property lines of the lot excluding adjacent streets and alleys.

LOT COVERAGE

That area of the lot or parcel which may be occupied by principal and accessory structures.

LOT WIDTH

The width of the lot or parcel at the principal structure placement.

MACHINE SHOP

A structure containing machinery for the manufacture, modification or repair of metal goods and automotive equipment. This use shall be conducted entirely inside the building and does not include the dismantling of automotive equipment.

MAJOR SHOPPING CENTER

A group of architecturally unified commercial establishments built on a site which is planned, developed, and managed as an operating unit related in its location, size and type of shops to the trade area that the unit serves. The unit provides on-site parking in definite relationship to the types and total size of the stores. The gross leasable area is in excess of 250,000 sq. ft. and the unit is built around one or more full-line department stores.

MAJOR SUBDIVISION

A subdivision consisting of six or more proposed lots.

MANUFACTURED HOUSING

The definition of Manufactured Housing is as it is defined in 30-23-301(5)(a)(I), Colorado Revised Statutes, as from time to time amended.

MEMBERSHIP CLUB

An association of persons, incorporated or unincorporated for a common purpose, but not including groups organized primarily to render a service carried on as a business.

MENU SIGNS

Signs at restaurants which are not designed to be read from the public right-of-way and are not visible beyond the boundaries of the lot or parcel upon which they are located or from any public thoroughfare or right-of-way.

MINOR ARTERIAL

A street or road interconnecting with the principal arterial system having a relatively high overall travel speed and minimal interference to through movement.

MOBILE HOME

Any vehicle normally used for residential living purposes by a family. The term "Mobile Home" shall only include those units designed and intended for use as permanent residence and shall not include travel trailers, camp trailers, or other recreational type vehicles designed for temporary occupancy.

MOBILE HOME PARK

Property under single ownership used to provide permanent parking space for mobile homes for living purposes, including accessory structures and uses.

MOTOR HOME

A vehicular designed unit built on or permanently attached to a self-propelled vehicle chassis, van, or chassis cab, which is an integral part of the complete vehicle, to provide temporary living quarters for recreational, camping, or travel use.

MOVABLE OBJECTS

Items such as trailers, automobiles, mobile homes, tanks, lumber or other materials not anchored to the ground, which are subject to transportation by water.

MUDFLOW

A flowing mass of predominantly fine-grained earth material possessing a high degree of fluidity during movement.

MULTI-FAMILY DWELLING

A structure arranged, designed for, and intended to be the residence of more than one housekeeping unit independent of each other.

MUNICIPALITY

An incorporated city or town.

NATURAL HAZARD

A geologic, floodplain, or wildfire hazard.

NATURAL RESOURCE

A resource established through the ordinary course of nature.

NET FLOOR AREA

The square footage of the primary use area of a building including restrooms, hallways and stairwells, but not including normally unoccupied areas such as garages, storage rooms, furnace areas, etc.

NEW COMMUNITY

The major revitalization of existing municipalities or the establishment of urban growth centers in unincorporated areas.

NODES

An identifiable grouping of uses subsidiary and dependent to a larger urban grouping of similar or related uses.

NON-CONFORMING

A legal use, structure, and/or development features which existed prior to the adoption of this Code or any amendment thereto, which does not conform to this Code or its amendments.

NURSERY-GREENHOUSE

A place where plants are raised, acquired and maintained for transplanting or sale. Sale or rental of small landscaping tools and supplies may be an accessory use.

NURSERY SCHOOL/PRESCHOOL/DAY NURSERY

A school and/or care facility which is maintained for the whole or part of the day, for more than six children under the age of six years.

NURSING HOME

An establishment which maintains and operates continuous day and night facilities providing room and board, personal services, and medical care for compensation for two or more persons not related to the operator of the home.

OBSTRUCTION

(Relating to floodplains) A dam, wall, embankment, levee, dike, pile, abutment, projection, excavation, channel rectification, culvert, building, fence, stockpile, refuse, fill, structure or mater, in, along, across, or projecting into any drainway, channel, or watercourse, which might impede, retard or change the direction of the flow of water, either by itself or by catching and collecting debris carried by the water, or which is placed where the one hundred-year flood may carry the debris downstream.

OFF-STREET PARKING SPACE

The space required to park one vehicle, exclusive of access drives, and not on a public right-of-way.

ONE HUNDRED YEAR FLOODPLAIN

The low land near the channel of a watercourse which has been or may be covered by water of a flood of one hundred year frequency, as established by engineering practices of the U.S. Army Corps of Engineers and/or the Colorado Water Conservation Board. It shall also mean that a flood of this magnitude may have a one percent change of occurring in any given year.

OPEN MINING

The mining of natural mineral deposits by removing the overburden lying above such deposits and mining directly from the deposits exposed. The term includes, but is not limited to, such practices as open cut mining, open pit mining, strip mining, quarrying and dredging.

OUTDOOR CULTURAL EVENTS

Entertainment, educational and cultural events generally involving large numbers of people as spectators or participants in an outdoor setting.

OVERBURDEN

All the earth and other materials which lie above natural mineral deposits or materials disturbed from their natural state in the process of mining and/or other development.

PARCEL

An area of land defined by a legal description recorded with the County Clerk and Recorder.

PEDESTRIAN RIGHT-OF-WAY

A right-of-way or easement dedicated for public pedestrian access.

PERMANENT SIGN

A sign which is permanently affixed or attached to the ground or a structure.

PERSON

The word "person" shall also include association, firm partnership, or corporation.

PETITIONER

An applicant.

PHARMACY

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

PLANNED DEVELOPMENT (PD)

An area of land zoned and improved as a development for which bulk and use requirements and other criteria may be relaxed in return for development conformance with an approved plan for the total parcel.

PLANNING COMMISSION

The City of Grand Junction Planning Commission.

PLAT

A map of surveyed and legally described land, which may have appropriate dedication and/or restrictions, which is an instrument for recording of real estate interests with the County Clerk and Recorder's office.

PORTABLE SIGN

A sign which is not permanently attached to the ground or a structure. A sign mounted, painted, or erected upon a vehicle, van, truck, automobile, bus, railroad car or other vehicle which is not registered and not in operating condition shall be considered a portable sign.

PRELIMINARY PLAN

The map or maps of a proposed development and supporting materials which permit the evaluation of the proposal prior to final detailed engineering and design.

PRINCIPAL ARTERIAL

A connected network of continuous routes serving intra- and interstate travel as well as inter- and intra-urban travel. Service to abutting land is subordinate to the through traffic movement.

PRINCIPAL STRUCTURE OR USE

The main or primary purpose for a structure or use on a parcel of land. This shall include accessory structures which are attached to and architecturally integrated with the principal structure.

PRIVATE

Anything not owned or operated by a governmental agency or tax assessing district.

PRODUCE STAND

An open air stand for the selling of agricultural products. This stand may be portable for dismantling or moving in an off-season.

PROFESSIONAL OFFICE

An office for professionals such as physicians, dentists, lawyers, architects, engineers, artists, musicians, designers, teachers, accountants, and others who, through training, are qualified to perform services of a professional nature, and where no storage or sale of merchandise is permitted except as a clearly accessory use.

PROJECTING SIGN

A sign attached to a structure wall and extending outward from the wall more than twelve inches.

PROJECTION

The distance by which a sign extends over public property.

PUBLIC

Anything owned or operated by a governmental agency or tax assessing district.

PUBLIC HEARING

A public meeting for which public notice has been given and an opportunity for public testimony is provided.

PUBLIC LAND FOR DEDICATION AND OWNERSHIP

Parks, playgrounds, schools, drainage channels, trails, highways, roads and streets or other areas of land accepted by the Governing Body and dedicated to the public for use or benefit.

PUBLIC MEETING

A meeting of a Board, Planning Commission, City Council or their representatives which the public may attend.

PUBLIC NOTICE

Notice to the public of an official public hearing. This notice shall be published one time in the official newspaper of the City prior to the hearing. Notice shall also be posted on any property considered as part of an application requiring public hearing. Posting shall consist of one sign posted in a conspicuous place, accessible to the public and in printed letters stating "Public Hearing" readable from a distance of twenty feet. Newspaper and posted sign shall also state the legal description and common location of the property, the type, time, date and location of the public hearing.

PUBLIC RIGHT-OF-WAY

Any street, road, alley or pedestrian/bicycle way or other special purpose way or utility installation owned and reserved by the public for present or future public use.

PUBLIC USE

A use which is owned by and operated for the public by a legal public entity.

RADIOACTIVITY

A condition related to various types of radiation emitted by radioactive minerals that occur in deposits of rocks, soils or water.

REAR ENTRANCE SIGN

A sign associated with pedestrian walk-through buildings. This sign shall not exceed sixteen square feet in area, be flush mounted, identifies only the name of the establishments and contains directional information.

RECLAMATION

Rehabilitation of plant cover, soil stability, water resources, and other measures appropriate to the subsequent beneficial use of land.

RECORDED

Document(s) of record being placed in the coded files and book of the County Clerk and Recorder's office.

RECREATIONAL VEHICLE

A vehicular or portable unit mounted on a chassis and wheels not more than eight feet (8') in width and forty feet (40') in length. A recreational vehicle is primarily designed to provide temporary living quarters for recreational, camping, or travel use, and which either has its own motive power or is mounted on or drawn by another vehicle such as travel trailers, truck campers, camping trailers and motor homes. Total width of a recreational vehicle, once sited for occupancy, including all tip-outs and/or slide-outs, shall not exceed fourteen feet (14'). For purposes of measuring length, the trailer hitch and/or trailer tongue shall be excluded.

RECREATIONAL VEHICLE AWNING

A lightweight overhead structure used in conjunction with a recreational vehicle for the purpose of shading or weather protection of areas such as carports, patios, porches and windows. Said awnings shall not be permitted to have attached siding.

RECREATIONAL VEHICLE RESORT

An integrated development where recreational vehicles are used for temporary residential purposes in conjunction with recreational and social centers designed to provide a significant portion of the recreational and social needs of the occupants of the resort.

RECREATIONAL VEHICLE SPACE

A parcel of land within an approved recreational vehicle park, which is shown in the records of the City of Grand Junction Planning Department, and which was designed and intended for the accommodation of one (1) recreational vehicle.

REGULATION

As used in this Code, shall refer to a specific regulatory section of the Code.

RENTAL - HOME ORIENTED

A business providing items for rent generally found or used in and around the home.

RESIDENTIAL CARE FACILITIES

Consists of home for mentally or physically handicapped persons not exceeding ten such persons unrelated to the head of the house. Such homes must be licensed as required by the State of Colorado and must meet safety standards as determined by Fire Department and City Building Inspection Department. Sanitary facilities must meet standards of Mesa County Health Department.

RESIDENTIAL RECEIVING HOMES

Consists of homes for children up to 18 years not related to head of house who are awaiting disposition to foster homes or other accommodations. These homes are not to exceed ten such persons. Such homes must be licensed as required by the State of Colorado. These homes must also meet safety standards as set forth by the Fire Department and City Building Inspection Department. Sanitary facilities must meet standards of Mesa County Health Department.

RESIDENTIAL SUB-UNIT

A dwelling unit which is secondary to a principal dwelling unit in a Single Family Residential Zone. A sub-unit use is impermissible only if the principal structure is occupied by the owner of that structure. A sub-unit use is not available to absentee property owners. If a sub-unit is in existence and the property is no longer occupied by the principal structure owner, the sub-unit right can no longer be maintained.

RESORT CABIN

A building accommodating individuals on a term occupancy basis located in areas providing recreational/environmental opportunities in rural areas.

RESTAURANT

An establishment serving food and beverage where all service takes place within an enclosed building or to a parked vehicle not providing drive-up or walk-up service. Exterior eating areas may be permitted as an accessory use.

RESUBDIVISION

The changing of an existing parcel within a subdivision plat previously recorded with the County Clerk and Recorder.

RETAINING WALL

A manmade barrier constructed for the purpose of stabilizing soil, retarding erosion, or terracing a parcel or site. If a retaining wall, with or without a fence, exceeds six feet on any part of the property, it is a conditional use (see 4-6).

REVOCABLE PERMIT

A permit issued by a Governing Body, allowing private construction within a public right-of-way, which may be revoked, with cause, at the discretion of the issuing agency.

ROADWAY

That portion of the street improved within a right-of-way and/or easement.

ROCKFALL

The rapid free-falling, bounding, sliding, or rolling of large mass of rock(s).

ROOF LINE

The highest edge of the roof or the top of parapet, whichever establishes the top line of the structure silhouette.

ROOF TOP SIGN

A sign erected upon and/or projecting above a roof line.

SEISMIC EFFECTS

Direct and indirect effects caused by a natural earthquake or a manmade phenomenon.

SERVICE LINES

Electric, gas, communication, water, sewer, irrigation and drainage lines providing local distribution or collection service.

SERVICE YARD AND ENTRANCE

An area and entrance to a structure, which is used for pickup and delivery of goods and services especially in conjunction with retail and wholesale outlets. These areas are usually provided to accommodate commercial trucks and not for general customer use.

SETBACK

The distance that structures are required to be placed from the property lines of a parcel of land or from other established reference points.

SIGN

Any letters, figures, design, symbol, trademark, illuminating device, or other device intended to attract attention to any place, subject, person, firm, corporation, public performance, article, machine or merchandise whatsoever, and painted, printed, constructed or displayed in any manner whatsoever, out of doors for recognized advertising purposes. This shall include those interior signs located on or by a window and obviously intended for viewing from the exterior. This shall not, however, include the flag, emblem or insignia of a government or church.

SIGN, WIND-DRIVEN

Consists of one or more banners, flags, pennants, ribbons, spinners, streamers, captive balloons or other objects or materials designed or intended to move when subjected to pressure by wind or breeze and by that movement attract attention and function as a sign (see definition of SIGN).

SIGN WITHOUT BACKING

Any word, letter, emblem, insignia, figure or similar character or group thereof that is neither backed by, incorporated in, or otherwise made a part of any larger display.

SKETCH PLAN

Map(s) of a proposed development and supporting documents to evaluate feasibility and design characteristics at an early stage in the planning of a project.

SPECIALIZED GROUP HOMES

A facility established and supervised by a licensed private child care agency or a public agency under the supervision of the State Division of Family and Children's Services to accommodate up to fourteen children range in in age from five to twenty-one years. These facilities are for children whose

special needs can best be met through the medium of a small group. The supervising agency shall define the purpose of the group home, the kinds of children who can benefit from the home, and the number and age range of children whom it can serve.

SPECIAL USE

A use identified by this Code which requires a permit after review and approval by staff.

STAFF

The staff of the Grand Junction Development Department.

STRUCTURE

Anything constructed or erected which requires location on or in the ground or is attached to something having a location on the ground. Structures do not include ditches and their appurtenances, poles, lines, cables, or transmission or distribution facilities of public utilities, freestanding mailboxes, on-grade slabs, walks, driveways, landscaping materials or fences.

SUBCOMMUNITY

A node.

SUBDIVISION

The division of a parcel of land into two or more parcels, separate interests, or interests in common, unless exempted under the provisions of this Code. Unless the method of disposition is adopted for the purpose of evading this Code, the term "subdivision" shall not apply to any division of land:

1. Which is created by order of any court in this state;
2. Which is created by a lien, mortgage, deed of trust, or any other security instrument;
3. Which is created by a security or unit of interest in any investment trust regulated under the laws of this state or any other interest in any investment entity;
4. Which creates cemetery lots;
5. Which creates an interest or interests in oil, gas, minerals or water which are now or hereafter severed from the surface ownership of real property, or
6. Which is created by the acquisition of an interest in land in the name of a husband and wife or other persons in joint tenancy or as tenants in common; any such interest shall be deemed for the purposes of this Code as only one interest.

TIP-OUT OR SLIDE-OUT

A recreational vehicle component which rides within the main structure of the recreation vehicle while traveling and either tips or slides out at the site for use as a living area. Said tip-out or slide-out shall be structurally anchored to the ground.

TOWNHOUSE

A single family dwelling unit that is connected to a similar single family dwelling unit by one or two common sidewalls, and an owner of a townhouse also owns the land area on which the foundation of the townhouse is constructed.

TRANSMISSION LINES

Electric lines (115 KW and over) and appurtenant facilities which emanate from a power plant or a substation and terminate at a substation; or pipelines/conveyors (ten inches diameter or larger) and appurtenant facilities for transporting natural resources, chemicals, petroleum derivatives, or waste substances. (Major facilities, power plants, large storage areas or substations shall be considered in accordance with 4-10.

TRAVEL TRAILER

A vehicle or portable unit mounted on its own chassis and wheels which does not exceed eight feet (8') in width and/or forty feet (40') in length and is drawn by a motor vehicle to provide temporary living quarters for recreational, camping or travel use.

TRUCK CAMPER

A portable unit consisting of a roof, floor and sides designed to be loaded onto and unloaded from the bed of a pickup truck, to provide temporary living quarters for recreational, camping or travel use.

TRUCK PARKING AREA

An area for the parking of trucks which are often left with motors running and/or refrigerator unit motors operating.

201 PLANNING AREA

A regional plan for sewage collection and treatment to prevent pollution of the state's waters.

UNSUITABLE OR UNSTABLE SLOPE

An area susceptible to a landslide, a mudflow, a rockfall or accelerated creep of slope-forming materials.

USE

The purpose for which land or a structure is designed, arranged, intended, or occupied.

UTILITIES

Services and facilities provided by public agencies and public monopolies such as electrical and gas service, water (domestic and irrigation), sewage disposal, drainage systems, solid waste disposal, etc.

WILDFIRE HAZARD

An area containing or directly affected by a hazard from uncontrolled fire in a natural area.

WILDLIFE HABITAT RESOURCE AREA

A geographical area containing those elements of food, water, cover, space and general welfare in combination and quantities adequate to support a species for at least a portion of a year. An area need not be occupied by a species in order to be considered a habitat for that species; habitat may include those areas which were historically occupied and are still suitable for occupancy, are presently occupied, or are potentially suitable though not historically occupied. Significant wildlife habitats are those areas containing, or having significant impact upon, those wildlife habitats in which

the wildlife species could be endangered by development, and includes those essential elements of habitat which, if altered or eliminated, would impair or destroy the area's capability to sustain a wildlife species.

YARD

An existing or required open space on a parcel with a principal structure. A yard is open, unoccupied and unobstructed from the ground to the sky, except as otherwise provided in this Code.

YARD - FRONT

A yard extending across the full width and depth of the lot between a road right-of-way or access easement line and the nearest line or point of the building. (For flag lots, see side yard.)

YARD - REAR

A yard extending across the full width and depth of the lot between the rear lot line and the nearest line or point of the building.

YARD - SIDE

A yard extending from the front yard to the rear yard between the side lot line and the nearest line or point of the building. This side yard definition may apply for three sides of a flag lot if the staff portion of the lot exceeds the front yard setback.

APPENDIX

TABLE OF CONTENTS

This Appendix is provided for the convenience of the users of this Code. Samples and informational items contained in the following pages are administrative and not a part of the officially adopted ordinance. Users should be aware that the forms or informational sheets may change periodically and should always contact the Department prior to preparing any specific applications.

1. Development Application Form (Sample)
2. Application Process Information Sheet
3. Action Sheet (Sample)
4. Improvements Agreement Form (Sample)
5. Improvements Agreement Formats (Sample)
6. Public Notice Posting Sheet
7. Site Plan Guidelines
8. Floodplain Permit Application (Sample)
9. Right-of-Way Functional Classification
10. Avigation Easement
11. Order of Hearing
12. Information Numbers
13. Downtown District Map
14. Downtown Planned Development Area



Receipt # _____
 Date Rec. _____
 Received By _____

DEVELOPMENT APPLICATION

We, the undersigned, Being the owners of property situated in Mesa County, State of Colorado, as described on the attached legal description form do hereby petition this:

Type of Petition	Acres	Phase	Common Location	Zone	Type of Usage
<input type="radio"/> Subdivision Plat/Plan	Sq.Ft	<input type="radio"/> Minor <input type="radio"/> Major			
<input type="radio"/> Rezone				Frm <input type="checkbox"/> To <input type="checkbox"/>	
<input type="radio"/> Planned Development		<input type="radio"/> ODP <input type="radio"/> Prelim <input type="radio"/> Final			
<input type="radio"/> Conditional Use					
<input type="radio"/> Hwy-Oriented Development				H.O.	
<input type="radio"/> Text Amendment					
<input type="radio"/> Special Use					
<input type="radio"/> Vacation					<input type="radio"/> Right-of-way <input type="radio"/> Easement

SAMPLE

PROPERTY OWNER DEVELOPER REPRESENTATIVE

Name _____ Name _____ Name _____
 Address _____ Address _____ Address _____
 City/State _____ City/State _____ City/State _____
 Business Phone # _____ Business Phone # _____ Business Phone # _____

Note: Legal property owner is owner of record on date of submittal.



WE HEREBY ACKNOWLEDGE THAT WE HAVE FAMILIARIZED OURSELVES WITH THE RULES AND REGULATIONS WITH RESPECT TO THE PREPARATION OF THIS SUBMITTAL, THAT THE FOREGOING INFORMATION IS TRUE & COMPLETE TO THE BEST OF OUR KNOWLEDGE, AND THAT WE ASSUME THE RESPONSIBILITY TO MONITOR THE STATUS OF THE APPLICATION AND THE REVIEW SHEET COMMENTS. WE RECOGNIZE THAT WE OURSELVES, OR OUR REPRESENTATIVE(S) MUST BE PRESENT AT ALL HEARINGS. IN THE EVENT THAT THE PETITIONER IS NOT REPRESENTED, THE ITEM WILL BE DROPPED FROM THE AGENDA, AND AN ADDITIONAL FEE CHARGED TO COVER RE-SCHEDULING EXPENSES BEFORE IT CAN AGAIN BE PLACED ON THE AGENDA



Signature of person completing application _____ Date _____

Signature of property owner(s)- attach additional sheets if necessary _____

559 White Avenue Rm 60 Grand Junction, Colorado 81501



APPLICATION PROCESS



REZONES
 PLANNED DEVELOPMENTS
 HIGHWAY ORIENTED ZONES

VACATION
 SUBDIVISIONS
 SPECIAL USES

SAMPLE

STEP 1

PRE-APP CONFERENCE

A scheduled conference between the Planning Staff and the petitioner or representative. The purpose is to go through the requirements, timeframes, fees and concerns for the application of a proposal.

STEP 2

APPLICATION SUBMITTAL

Applications must be complete at the time of submittal or it will be delayed. The correct information, number of copies and proper packaging is the responsibility of the petitioner or representative.

REVIEW PERIOD

STEP 3

Planning staff will distribute the submittal proposal to the appropriate review agencies for their comments. The review agencies will respond in writing to the proposal within 10 days and return their comments to this department.

STEP 4

END OF REVIEW PERIOD

The Planning Department will type a Review Agency Summary Sheet and mail copies to the petitioner/representative. Written response by the petitioner to the review comments is required a minimum of 48 hours prior to the first scheduled public hearing. The petitioner shall resolve any problems with the appropriate review agencies prior to the public hearing.

STEP 5

GRAND JUNCTION PLANNING COMMISSION PUBLIC HEARING

The Grand Junction Planning Commission holds its public hearing the last Tuesday of every month. Your application will be considered at that time and the Planning Commission will make a recommendation to the City Council regarding your proposal. The petitioner or representative must be present.

STEP 6

CITY COUNCIL PUBLIC HEARING

Upon a recommendation for approval or denial from the Grand Junction Planning Commission, the application proposal will be automatically scheduled for City Council. It is generally scheduled for the 3rd Wednesday of the following month. The petitioner can ask (in writing) for it to be removed from City Council.

STEP 7

RECORDING AFTER FINAL APPROVAL

Final legal enactment of the application process. Open Space fee and recording fee paid at this time. Any other documents (i.e. Power of Attorney, Public Improvements Agreement, Avigation Easements, etc.) will be recorded at this time.

Application Due Date	Agency Review Time	Ad Time for Planning Commission	Ad Time for City Council	Approximate time frame per phase
1st working day of each month	10 days	7 days	7 days	8 weeks

CITY OF GRAND JUNCTION IMPROVEMENTS AGREEMENT

RE:

Name of Subdivision or Other Improvement _____ Location _____

Intending to be legally bound, the undersigned subdivider hereby agrees to provide throughout this subdivision and as shown on the subdivision plat of _____ date _____ 19____, the fol-

Name of Subdivision _____

lowing improvements to City of Grand Junction standards and to furnish an Improvements Guarantee in the form acceptable to the City for these improvements.

Improvements	Quantity and Unit Costs	Estimated Cost	Estimated Completion Date
Street Grading			
Street Base			
Street Paving			
Curbs and Gutters			
Sidewalks			
Storm Sewer Facilities			
Sanitary Sewers			
Mains			
Laterals/House Connections			
On-site Sewage Treatment			
Water Mains			
Fire Hydrants			
On-site Water Supply			
Survey Monuments			
Street Lights			
Street Name Signs			
Construction Administration			
Utility Relocation Costs			
Design Costs			
SUB TOTAL			

SAMPLE

Supervision of all installations (should not normally exceed 4% of subtotal) _____

TOTAL ESTIMATED COST OF IMPROVEMENTS AND SUPERVISION: \$ _____

The above improvements will be constructed in accordance with the specifications and requirements of the City or appropriate utility agency and in accordance with detailed construction plans, based on the City Council approved plan, and submitted to the City Engineer for review and approval prior to start of construction. The improvements will be constructed in reasonable conformance with the time schedule shown above. An Improvements Guarantee will be furnished to the City prior to recording the subdivision plat.

Signature of Subdivider

(If corporation, to be signed by President and attested to by Secretary, together with the corporate seal.)

DATE: _____ 19____

I have reviewed the estimated costs and time schedule shown above and, based on the plan layouts submitted to date and the current costs of construction, I take no exception to the above.

City Engineer

SAMPLE FORMATS ONLY

N

BANK GUARANTEE FORMAT

Date _____

TO: City of Grand Junction
559 White Avenue, Rm 60
Grand Junction, CO 81501

This letter is to verify that _____
owner(s) name(s)
has/have secured a loan in the amount of \$ _____
loan amount for the
improvement of _____
name of development
The \$ _____
loan amount is to finance the construction of the improvements within
the subdivision plat or plan which are required by the City of Grand Junction
Zoning and Subdivision Regulations. The \$ _____
loan amount
is to be disbursed by the _____
name of lending institution only for
the above items upon receipt and approval of properly authorized bills. In the
event that _____
owner(s) name(s) should not complete
the improvements, the _____
name of lending institution
agrees that all available funds not disbursed will be applied toward the comple-
tion of the project.

Signature of Lending Institution Official

Signature of Owner

Subscribed to before me this _____
day of _____
in the County of _____ and
State of _____.

Notary Public

My commission expires _____.

BUILDING PERMIT GUARANTEE FORMAT

Date _____

TO: City of Grand Junction
559 White Avenue, Rm 60
Grand Junction, CO 81501

Guarantee of Improvements as Per Improvements Agreement as required for _____
_____. The undersigned hereby guarantee(s) not to
name of development
request building permits within _____
name of development
until such time as improvements are complete and a release from the Improvements
Agreement and Improvements Guarantee has been obtained.

owner signature

owner signature

Subscribed to before me this _____
day of _____ 19 _____
in the County of _____ and
State of _____.

Notary Public

My commission expires _____.



FILE _____

GRAND JUNCTION
CITY COUNCIL



SAMPLE

7:30 P.M. _____, 198
CITY AUDITORIUM 520 ROOD

HEARING ITEM:

SITE PLAN GUIDELINES

To be shown on site plan only.

- 1) Adjacent zoning and uses
- 2) Setbacks shown on plan
- 3) Buffering/screening types
- 4) Bike Racks
- 5) Building heights/elevations/dimensions
- 6) Access dimensions (ROW's, curb cuts, sidewalks, etc.)
- 7) Parking - total number required:
 - HC Parking
 - Dimensions, stalls, curb blocks, paved
 - Pedestrian access from parking
 - Designated employee, resident etc.
- 8) Landscaping:
 - % open space
 - Types of vegetation (including ground cover)
 - Maintenance/upkeep
 - Amenities
- 9) Trash Pick-up locations
- 10) Lighting location/types
- 11) Directional flows: one ways/crosswalks/fire lanes etc
- 12) Signage detail
- 13) Ingress/egress.
- 14) Easements
- 15) Vacation or dedication of ROW's/easements
- 16) Phasing proposed (if any)

SAMPLE



CITY OF GRAND JUNCTION FLOODPLAIN PERMIT

APPLICANT _____
MAILING ADDRESS _____

TELEPHONE HOME () _____ WORK () _____

OWNER (IF DIFFERENT THAN APPLICANT) _____
MAILING ADDRESS _____

TELEPHONE HOME () _____ WORK () _____

COMMON LOCATION OF THE PROJECT SITE: _____
(STREET ADDRESS)

MESA COUNTY ASSESSOR'S TAX PARCEL NUMBER _____

BRIEF DESCRIPTION OF THE PROPOSED USE OF THE SITE

RIVER, STATION: _____

ELEVATION OF THE 100 YEAR FLOOD EVENT: _____

DETERMINED FROM: { } CORPS OF ENGINEERS, FLOOD HAZARD STUDY, NOVEMBER 1976
{ } HUD FLOOD INSURANCE STUDY, JANUARY 1978

ENGINEER _____
MAILING ADDRESS _____

TELEPHONE WORK () _____

TO BE COMPLETED BY STAFF

FEE _____

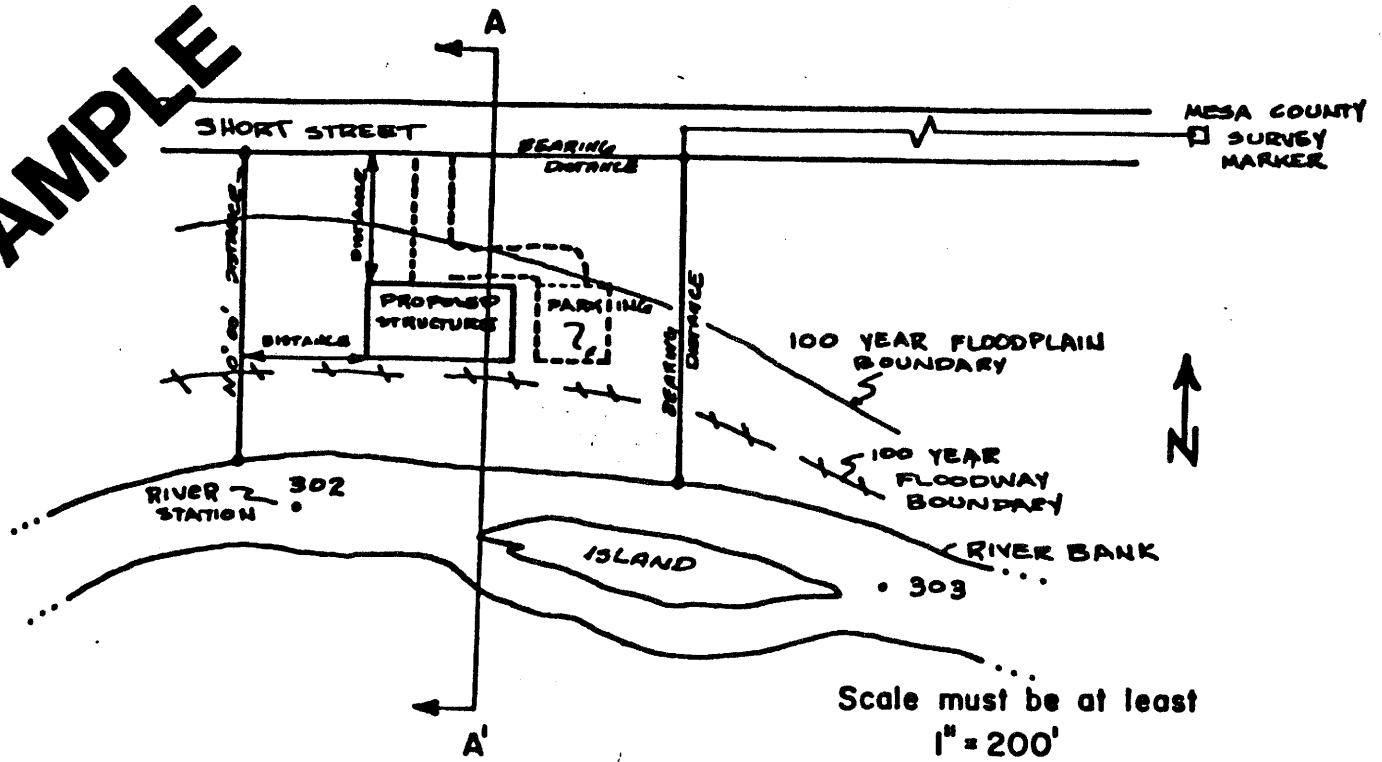
DATE RECEIVED _____ RECEIPT NO. _____ FILE NO. _____

REQUIRED DOCUMENTS: _____

SAMPLE

SAMPLE

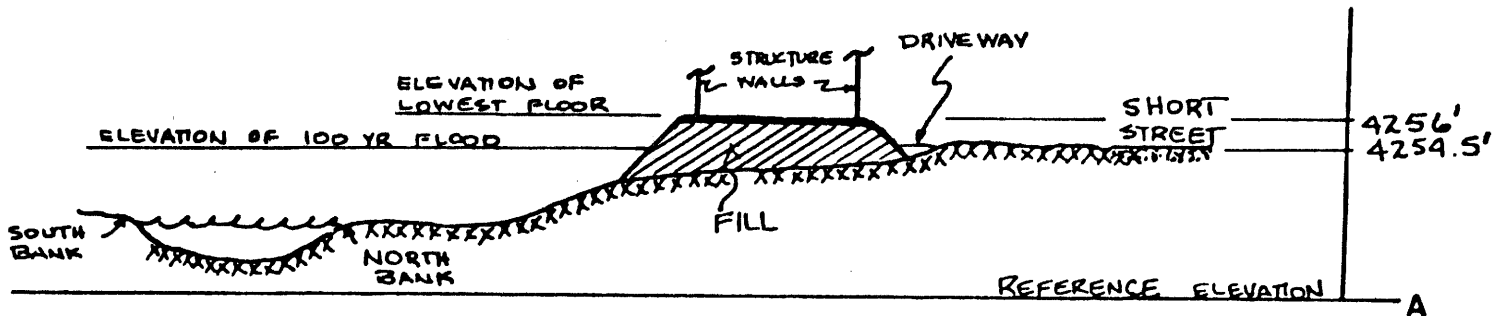
SAMPLE



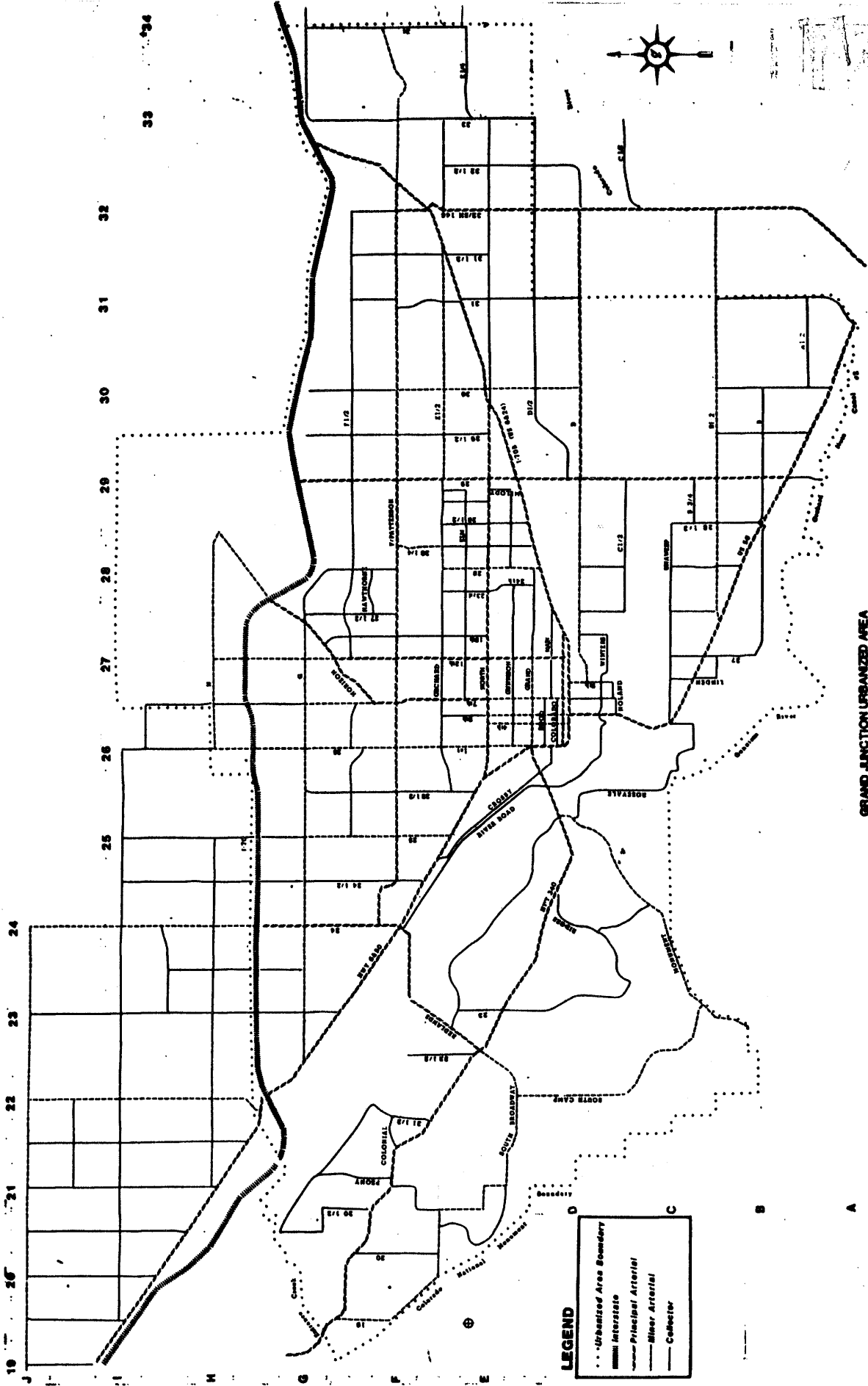
SAMPLE SITE PLAN

SAMPLE

SAMPLE NOTE: Parking to be at existing grade



SAMPLE CROSS-SECTION A-A'



GRAND JUNCTION URBANIZED AREA
FRONT OF WAY
FUNCTIONAL CLASSIFICATION

LEGEND

- - - Urbanized Area Boundary
- ==== Interstate
- Principal Arterial
- - - Minor Arterial
- Collector

THIS EASEMENT is made and entered into by and between the WALKER FIELD, COLORADO, PUBLIC AIRPORT AUTHORITY, a body corporate and politic and constituting a political subdivision of the State of Colorado, hereinafter called GRANTEE, and

_____ hereinafter, GRANTOR;

WHEREAS, Grantee is the owner and operator of Walker Field Airport situated in the County of Mesa, State of Colorado, and in close proximity to the land of Grantor, and Grantee desires to obtain and preserve for the use and benefit of the public a right of free and unobstructed flight for aircraft landing upon, taking off from, or maneuvering about said airport; and

WHEREAS, Grantor is the owner in fee simple of that certain parcel of land situated in the County of Mesa, State of Colorado, to wit:

NOW, THEREFORE, in consideration of the sum of One Dollar (\$1.00) and other good and valuable consideration, the receipt of which is hereby acknowledged, the Grantor, for himself, his heirs, administrators, executors, successors and assigns, does hereby grant, bargain, sell and convey unto the Grantee, its successors and assigns, for the use and benefit of the public, an easement and right of way appurtenant to Walker Field Airport, for the passage of all aircraft ("aircraft" being defined for the purposes of this instrument as any device known or hereafter invented, used or designed for navigation or flight in the air) by whomsoever owned and operated, in the navigable airspace above the surface of Grantor's Property to an infinite height above said Grantor's property, together with the right to cause in said airspace such noise and vibrations, smoke, fumes, glare, dust, fuel particles and all other effects that may be caused by the normal operation of aircraft landing at or taking off from or operating at or on said Walker Field Airport, and Grantor hereby waives, remises and releases any right or cause of action which Grantor now has or which Grantor may have in the future against Grantee, its successors and assigns, due to such noise, vibrations, smoke, fumes, glare, dust, fuel particles caused by the normal operation of such aircraft.

FURTHER, Grantor hereby covenants, for and during the life of this easement, that Grantor:

(a) shall not hereafter construct, permit or suffer to maintain upon said land any obstruction that extends into navigable airspace required for use of said airport runway surfaces; (Navigable airspace is defined for the purpose of this instrument as airspace at and above the minimum flight altitudes, including take off and landing, as prescribed in Federal Aviation Administration Federal Air Regulations Part 91, and as such regulations are amended.)

(b) shall not hereafter use or permit or suffer use of said land in such a manner as to create electrical or electronic interference with radio communication or radar operation between the installation upon Walker Field Airport and aircraft, or to make it difficult for flyers to distinguish between airport lights and others or to result in glare in the eyes of flyers using the said airport, or to impair visibility in the vicinity of the airport, or otherwise to endanger the landing, taking off or maneuvering of aircraft.

Grantor agrees the aforesaid covenants and agreements shall run with the land for the benefit of Grantee, its successors and assigns, until said airport shall be abandoned and shall cease to be used for public airport purposes.

IN WITNESS WHEREOF, the Grantor has hereunto set his hand and seal on this _____ day of _____, A.D. 19____.

STATE OF COLORADO)
) ss:
COUNTY OF MESA)

The foregoing instrument was acknowledged before me this _____ day of _____, A.D. 19 _____, by _____.

My Commission expires: _____.

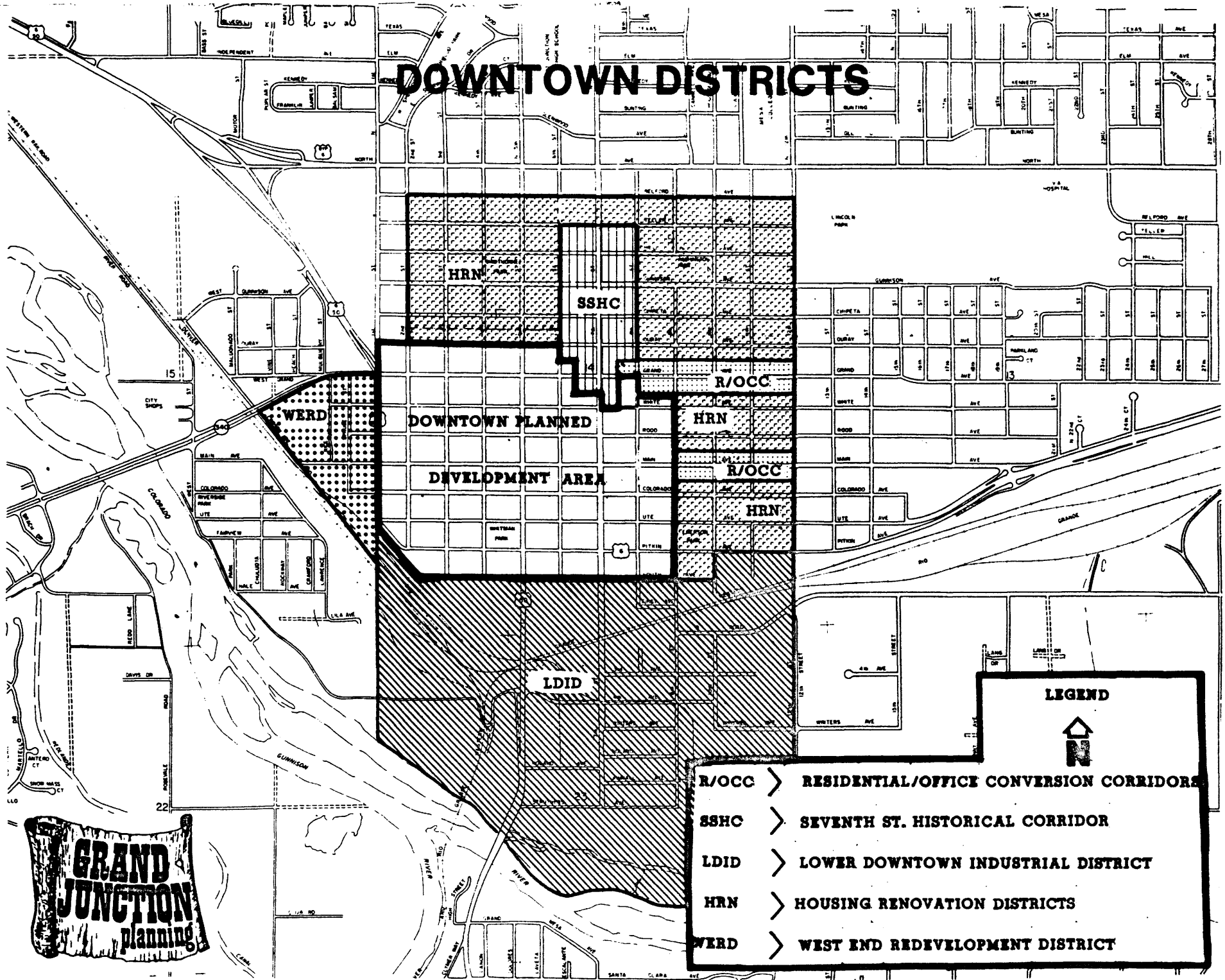
Notary Public

ORDER OF HEARING

- A) Chair reads agenda item and asks if the petitioner or representative is present. If the petitioner or representative is present, Chair opens the hearing.
- B) Petitioner presents the proposal. The presentation should generally include:
- (1) Orientation and location of the proposal.
 - (2) Brief overview of the nature of the proposal.
 - (3) Size of the project and proposed density.
 - (4) Proposed development schedule of project start and finish.
- C) Commission Members may question the petitioner to clarify any items in the presentation.
- D) Planning Staff presents review and staff comments which have not been resolved.
- E) Chair asks for comments from the audience in favor of the proposal.
- (1) Chair should attempt to discourage lengthy repetitive testimony or debate.
 - (2) Public testimony and documents (petitions, exhibits, etc.) presented should be entered into the record.
 - (3) Commission members may question proponents.
- F) Chair asks for comments against the proposal.
- (1) Chair should attempt to discourage lengthy repetitive testimony or debate.
 - (2) Public testimony and documents (petitions, exhibits, etc.) presented should be entered into the record.
 - (3) Commission members may question opponents.
- G) Petitioner gives final response/summary/rebuttal. Commission members may question petitioner on points brought up by review comment, proponents or opponents.
- H) Planning Staff gives final recommendation.
- I) Chair closes public hearing and asks for Commission discussion, motion, second, and vote.



DOWNTOWN DISTRICTS



LEGEND

↑

R/OCC > RESIDENTIAL/OFFICE CONVERSION CORRIDORS

SSHC > SEVENTH ST. HISTORICAL CORRIDOR

LDID > LOWER DOWNTOWN INDUSTRIAL DISTRICT

HRN > HOUSING RENOVATION DISTRICTS

WERD > WEST END REDEVELOPMENT DISTRICT



LEGEND

DOWNTOWN PLANNED
DEVELOPMENT AREA



sec 7-2-5A

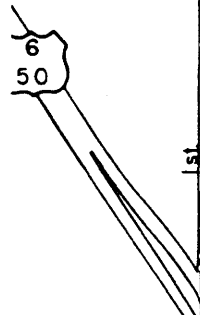
MAIN ST. COMMERCIAL
RENOVATION DIST. (CRD)

CENTRAL BUSINESS DIST.(CBD)

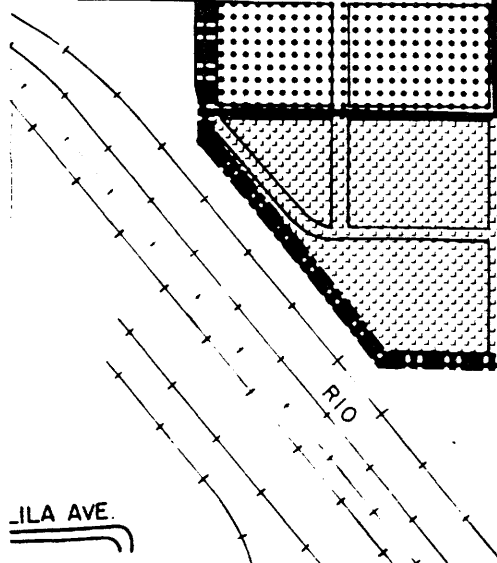
WEST END TERMINUS of the (WTSP)
MAIN ST. SHOPPING PARK

WHITMAN PK. HOUSING
REDEVELOPMENT DIST (WPHRD)

OFFICE/RESIDENTIAL
TRANSITION DIST. (O/RTD)



ST.
SPRUCE



I-70 AVE.

