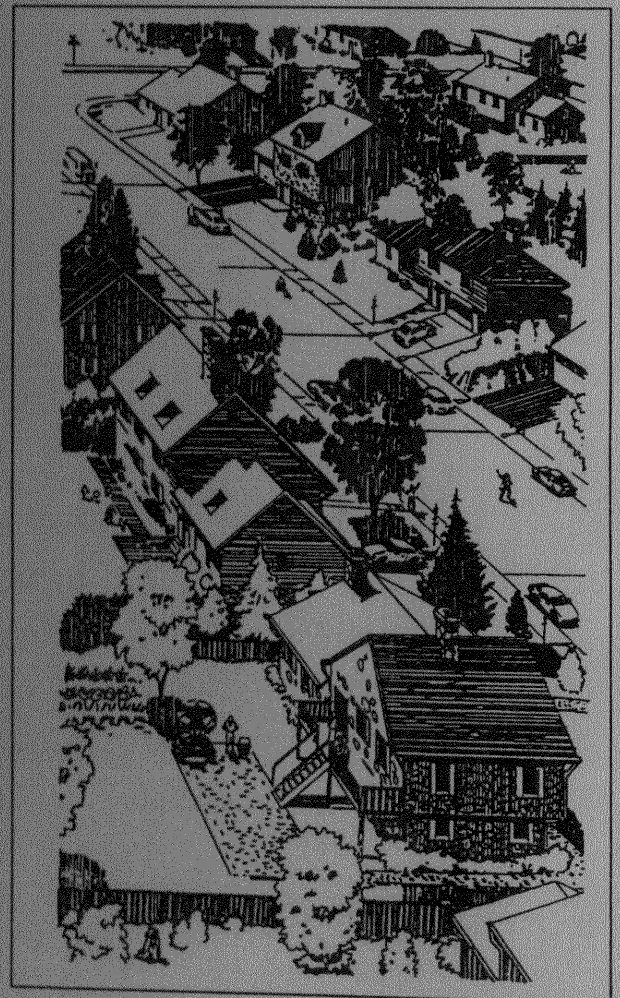
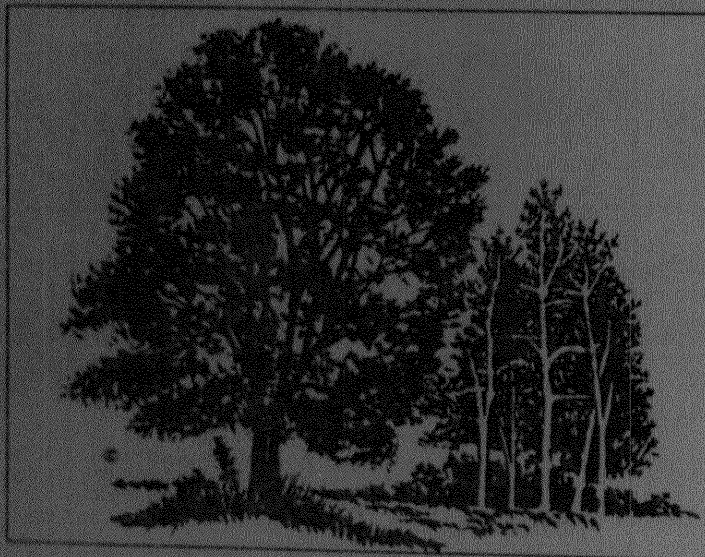
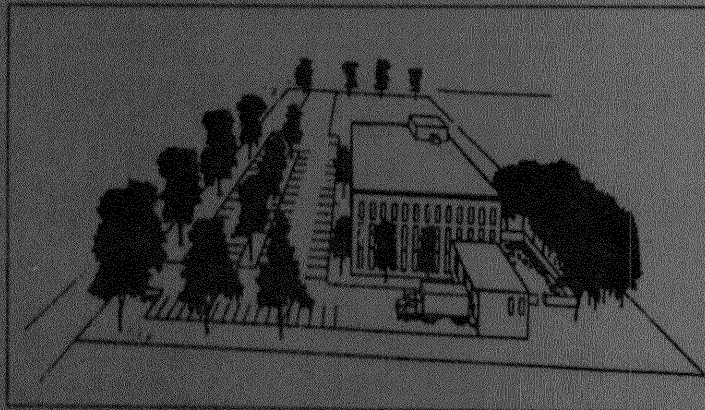




City of Grand Junction

ZONING AND DEVELOPMENT CODE



GRAND JUNCTION

ZONING AND DEVELOPMENT

CODE

**Recommended to the Grand Junction City Council
By the Grand Junction Planning Commission**

**Adopted by the Grand Junction City Council on July 5, 1989
Ordinance No. 2432**

**Text amendments/revisions passed and adopted as of May 21, 1997
have been incorporated into this Code**

SUPPLEMENT
Submittal Standards for Improvements and Development (SSID) Manual
Adopted by the Grand Junction City Council June 2, 1993
Ordinance No. 2679
(Revised and Updated May 1995)

Zoning and Development Code Last Print Date: June 1997

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CHAPTER ONE GENERAL PURPOSE

1-1 TITLE

This regulation shall be known and cited as the City of Grand Junction Zoning and Development Code (hereinafter known as "the Code"). It has been adopted pursuant to Ordinance No. 2432.

1-2 AUTHORITY

Grand Junction (hereinafter known as "City") is authorized by its home rule powers as set forth in the Colorado constitution to exercise its broad powers in the regulation of zoning, planning, subdivision of land, and building. In addition, this Code intends to use all powers provided by virtue of C.R.S. 30-28-101, et seq. to regulate certain activities on, and uses of, land, C.R.S. 29-20-101, et seq.; to designate and administer areas and activities of State interest, C.R.S. 24-65.1-101, et seq.; to regulate planned unit development, C.R.S. 24-67-104, et seq.; and to regulate in accordance with the powers granted or preserved pursuant to 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 Community Development Department (hereinafter known as "Department") of Grand Junction can be contacted for further information about the use of this Code.

1-3 APPLICATION

This Code shall apply to all public and private lands, and uses thereon, 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 and minimum 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 applicable 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, public officials, staff, developers and the general public need a clear, orderly, efficient, and integrated development Code for the City which promotes the health, safety and general welfare of the residents of the City. While the great majority of situations subject to 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; they must be taken within the context and intents of the entire Code.

1-5 SEVERABILITY

It is hereby declared to be the 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 Code as a whole or any other part thereof, but the rest of this Code 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 City Council, Planning Commission or the Administrator, as the context may require;
- 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; and
- E. all words, terms, and phrases not otherwise defined herein shall be given their usual and customary meaning, unless the context clearly indicates a different meaning was intended.

1-7 PLANNING COMMISSION

- A. The powers and duties of the Planning Commission for the City of Grand Junction, consisting of seven members who shall be residents of the City, are confirmed. The Director of the Grand Junction Community Development Department and/or his appointed representative(s) shall serve as staff to the Commission.
- B. Members of the Commission shall serve four years from the date of appointment.

- 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 shall be 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 will 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 C.R.S. 31-23-101, et seq. The Commission and other City officials mentioned in C.R.S. 31-23-101 shall have all the powers provided for in said article and be governed by the procedures therein set forth, unless otherwise provided herein.

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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 the use and development of land in the City. 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 proposal?

2-1-1 DEVELOPMENT PROPOSALS - Examples of some of the types of development proposals which require prior 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. Annexation
- I. Modifying Side, Front, or Rear Yard Setbacks
- J. Site Development

2-1-2 CONSTRUCTION PROPOSALS - Examples of some of the types of construction proposals which require review and approval are:

- A. construction, alteration, demolition, erection or moving of any structure, mobile home, or sign including painting of signs on buildings, walls or fences; and

- B. construction, alteration or erection of any fence, wall or retaining wall.

2-2 GENERAL PROCEDURES FOR APPLICATIONS

2-2-1 COMMON ELEMENTS OF PROCEDURES - The specific procedures followed in reviewing the various proposals differ. Reference should be made to the appropriate section in this Code which deals with the procedures and requirements of a particular application. Generally, the procedures for all applications have three common elements: (1) submittal of a complete application, including required fee payment along with appropriate information; (2) review of the submittal by appropriate City staff, 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.

2-2-2 AGENCIES & PUBLIC BODIES INVOLVED IN PROCEDURES & FEE SCHEDULE - The following is a brief outline of some processes common to proposals.

A. STAFF

Staff will assist 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 Engineer
2. City Public Works Director or utility district
3. Public utilities such as US West and Public Service
4. Special districts such as irrigation, drainage, or school district
5. Law enforcement agencies
6. Fire departments or districts
7. Parks and Recreation Department

8. State or federal agencies (e.g. Bureau of Land Management, Colorado Geologic Survey)
9. Mesa County staff, Planning Commission, or Mesa County Board of Commissioners

Such agencies will be asked to 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' review will be advisory in character.

C. PLANNING COMMISSION

1. The City Planning Commission shall hold regularly scheduled public hearings to receive and review public input on those items required by this Code. The Planning Commission shall be comprised of citizens representing the public interests of the City. The decision of the Planning Commission as to conditional uses, subdivisions, and planned developments shall be final unless appealed as set forth in Subsection 3 of this Section. On those items where it has jurisdiction, it shall make recommendations to the City Council to approve, approve with conditions, or deny applications. Planning Commission decisions and recommendations will be based on consideration of evidence and analysis 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; and
 - e. effects of the proposal on the neighborhood, area, and community-at-large.

Those items recommended for approval, with or without conditions, will automatically be scheduled for the next available meeting of the City Council. An item recommended for denial shall require an appeal in accordance with Section 4-4-2D before it will be scheduled before the City Council.

2. The Administrator shall provide for minutes to be written and retained, shall record the evidence submitted within the hearing time allotted for the item being considered,

and include a summary of the considerations and the action of the Planning Commission.

3. Planning Commission decisions as to conditional uses, subdivisions, and planned developments may be appealed to the City Council by any person who is given standing by this Code. No appeal shall be effective unless made, in writing, to the Administrator within three working days following the decision of the Planning Commission. The matter shall then be placed on the agenda of the City Council to be determined in accordance with the provisions of Subsection D. following.
4. The City Council or any of its members may request that any item be forwarded to them for review and/or hearing. Such a request must be timely as specified in paragraph 3 above.

D. GRAND JUNCTION CITY COUNCIL

The City Council shall hold regularly scheduled public hearings to act upon all items required by this Code. Public hearings which consider rezones, right-of-way or easement vacations, and text amendments are quasi-judicial in character. The City Council shall decide whether or not to approve, approve with conditions, or deny an 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; and
6. effects of the proposal on the neighborhood, area, and community-at-large.

- E. Preapplication conferences are required prior to any submittal involving zoning, planned developments, special or conditional uses, vacations, variances, subdivision or major site plans. Submittal requirements listed in this Code are intended to be examples of the types of information which may normally be required. It is, however, recognized that the type, scope, or location of any specific development application may require different types or levels of information. At the preapplication conference, the Administrator shall determine what information shall be submitted in order to provide for an adequate assessment of the project. At any time during the processing of any application, additional information may be required to respond to issues or concerns that may not have been evident at the

preapplication conference. Requirements and information from the preapplication conference shall be recorded on a form supplied by the Department and made part of the development file upon submittal of the application.

F. Any questions concerning the use of this Code should be directed to the Administrator.

G. APPLICATION FEE SCHEDULE

1. The fees shall be set in amounts sufficient to recover the costs of processing, publicizing, and reviewing development applications. City Council may, by the adoption of a Resolution, increase, decrease or otherwise modify any of the fees set forth. The most recent fee schedule, as adopted by the City Council, is available from the Community Development Department.
2. Recording fees of the Mesa County Clerk and Recorder shall be paid by the applicant at the time of recording.
3. The City Council may waive fees required by this Section in cases of exceptional hardship or other good cause as may be demonstrated by the applicant. Approval of waivers must be by vote of the majority of the City Council at its public meeting. Request for waiver shall be submitted to the Administrator, in writing, specifying the type and amount of the fee to be waived and justifying the request. Normally, fees will not be waived unless the applicant is indigent, living on a minimal fixed income, or the like. If the justification is, at least in part, based on inability to pay, the applicant shall include sufficient financial information as may be required by the Administrator or City Council in order to evaluate the request.

2-3 VESTED PROPERTY RIGHTS

The purpose of this section is to provide the procedures necessary to implement the provisions of C.R.S. 24-68-101, et seq.

2-3-1 DEFINITIONS - The following definitions are for the purposes of administration of this section 2-3 only and do not apply to any other sections of this Code.

- A. "Site-Specific Development Plan" (SSDP) means for all developments requiring a public hearing, the final step, irrespective of its title, which occurs prior to building permit application; provided, however, that if the landowner wishes said approval to have the effect of creating vested rights, pursuant to C.R.S. 24-68-101, et seq., the landowner must so request, in writing, at the time of application for said approval. Failure to so request renders the approval not a "site-specific development plan," and no vested rights shall be deemed to have been created.

B. "Vested Property Right" means the right to undertake and complete the development and use of property under the terms and conditions of a SSDP.

2-3-2 NOTICE AND HEARING - No SSDP shall be approved until after a public hearing. Such notice may, at the City's option, be combined with the notice required by C.R.S. 31-23-304, et seq. for zoning regulations or with any other required notice.

2-3-3 APPROVAL, EFFECTIVE DATE, AMENDMENTS - An SSDP shall be deemed approved only as set forth in Section 2-3-1A, above. In the event amendments to an SSDP are proposed and approved, the effective date of such amendments, for purposes of duration of vested property right, shall be the date of the approval of the original SSDP.

2-3-4 NOTICE OF APPROVAL - It is the applicant's responsibility to ensure that each map, plat, or site plan, or other document constituting a SSDP contains the following language: "Approval of this plan may create a vested property right pursuant to C.R.S. 24-68-101, et seq." Failure to contain this statement shall invalidate the creation of the vested property right. In addition, a public notice generally describing the type and intensity of use approved, the specific parcel or parcels of property affected, and stating that a vested property right has been created, shall be published not more than 14 days after approval of the site-specific development plan in a newspaper of general circulation with the City.

2-3-5 PAYMENT OF COSTS - In addition to any and all other fees and charges imposed by this Code, the applicant, for approval of a SSDP, shall pay all costs incurred by the City as a result of the SSDP review, including publication of notices, public hearing, and review costs. These costs shall be offset by a fee of \$50 per approved SSDP.

2-3-6 OTHER PROVISIONS UNAFFECTED - Approval of a SSDP shall not constitute an exemption from, or waiver of, any other provisions of this Code pertaining to the development or use of property.

2-3-7 LIMITATIONS - Nothing in this Section 2-3 is intended to create any vested property right, but only to implement the provisions of C.R.S. 24- 68-101, et seq. In the event of the repeal of said Article or a judicial determination that said Article is invalid or unconstitutional, this Section 2-3 shall be deemed to be repealed, and the provisions hereof no longer effective.

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 application of this Code to 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 parts 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 proposal.

Copies of the City's adopted goals, objectives and policies may be obtained from the Community Development Department.

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CHAPTER FOUR ZONING

4-1 GENERAL

4-1-1 PURPOSE - The City is zoned and divided into districts. The purpose of establishing these districts is to:

- A. 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. Prevent scattered, haphazard, suburban growth and guide orderly transition of urban areas;
- C. Conserve and enhance economic, social and aesthetic values;
- D. Protect and maintain the integrity and character of established neighborhoods;
- E. Facilitate adequate provision of transportation, water, sewerage, schools, parks, and other public and commercial facilities and services;
- F. 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. Provide for adequate light and clean air;
- H. Aid in preventing congestion of traffic in the streets and public ways of the City;
- I. Prevent unduly noisome and/or injurious substances, conditions and operations;
- J. Secure safety from fire, panic and other dangers;
- K. Promote the public health, safety and welfare in general; and
- L. The existence of a specific zone district in a particular location shall not be considered a basis for expanding that district. Expansion of existing zone districts shall be made only when the criteria specified in the rezoning section of this chapter are met.

4-1-2 SINGLE FAMILY RESIDENTIAL ZONES

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

B. Principle structures shall be erected on a permanent foundation. Every manufactured or mobile home with the exception of mobile or manufactured homes placed in mobile home parks, shall be placed or erected on a foundation which shall comply with the following minimum specifications and requirements of the National Conference of States on Building Codes and Standards, Inc. A225.1 Manufactured Home Installations 1987 (ANSI A225.1-1987) or as amended. Neither the Director of Public Works, as the Chief Building Official for the City, nor his designee nor any employee, officer or agent of the City, shall be liable for any direct, consequential or other damages to any person or property by the preparation, adoption and enforcement of minimum foundation specifications.

1. The foundation for a manufactured home shall comply with the alternatives identified in Table 2-2, Alternative Manufactured Home Foundation Systems (Single or Multisection Homes), in ANSI A225.1-1987 or as amended for Concrete Slab or Continuous Foot Foundations and the referenced Figures C-5, C-6, C-9, C-10, C-16 and accompanying section details. The alternate Piers-Ground Anchor Foundation, Concrete or Concrete Block Load Bearing Perimeter, Pile/Post or Permanent Wood Foundations shall not be allowed.
2. The requirement for all residential structures to be placed on a permanent foundation shall apply to all homes constructed or placed after the effective date of this ordinance. Any nonconforming conventional, manufactured or mobile home use may be continued subject to the provisions of section 4-9 of this Code.
3. The foundation system alternatives identified in ANSI A225.1-1987, approved April 26, 1989 or as amended, for manufactured residential units may be modified to allow the following:
 - a. On permanent wood foundation systems, the footer may be a depth of 6" and a width of 12" as opposed to the 10" depth and 18" depth illustrated in the standard.
 - b. The anchorage system may include any other system approved by the Chief Building Official for the City.
4. Where local, State or Federal standards conflict with these minimum standards for manufactured home foundations, the most restrictive of any regulation shall apply.

C. Mobile Home Parks developed after the effective date of this ordinance shall be allowed only in the Planned Mobile Home (PMH) zone district.

4-1-3 MULTI-FAMILY RESIDENTIAL ZONES

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

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

4-1-5 SUBDIVISION

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) - NOT TO EXCEED ONE DWELLING UNIT PER 5 ACRES. This zone provides for low density single family and agricultural uses adjacent to urban areas. It allows for the continuation of agricultural operations and rural uses and provides for the larger acreage more appropriate to the keeping of agricultural animals.

- A. Minimum lot area 5 acres
- B. Maximum dwelling units per five (5) acres 1
- C. Bulk Requirements
 - 1. Minimum street frontage 50 feet
 - 2. Maximum height of structures 32 feet
 - 3. Minimum lot width (at structure site for principal structure) 150 feet
 - 4. Minimum side yard setback
 - Principal structure 50 feet
 - Accessory structure (on rear half of parcel) 50 feet
 - 5. Minimum rear yard setback
 - Principal structure 50 feet
 - Accessory structure 50 feet
 - 6. Minimum front yard setback (from centerline of right-of-way)
(see also Section 5-1-7)
 - Principal arterial 80 feet
 - Minor arterial 80 feet
 - Collector 60 feet
 - Local 50 feet
 - 7. Maximum coverage of lot by structures 25%
- D. Also see Chapter Five for regulations applicable in all Zone Districts, Chapter Twelve, and Section 4-3-4. It is recommended that specific application of these regulations be discussed with the Administrator.

4-2-2 RSF-1 (RESIDENTIAL SINGLE FAMILY) - NOT TO EXCEED ONE UNIT PER ACRE.
 This zone provides for low density single family and agricultural uses within or adjacent to urban areas. It allows for the continuation of light intensity agricultural operations and suburban uses and provides for the larger lot sizes more appropriate to the keeping of agricultural animals.

- A. Minimum lot area 1 acre
- B. Maximum units per gross area 1
- C. Bulk Requirements
 - 1. Minimum street frontage 50 feet
 - 2. Maximum height of structures 32 feet
 - 3. Minimum lot width (at structure site for principal structure) 100 feet
 - 4. Minimum side yard setback
 - Principal structure 15 feet
 - Accessory structure (on rear half of parcel) 3 feet
 - 5. Minimum rear yard setback
 - Principal structure 30 feet
 - Accessory structure 3 feet
 - 6. Minimum front yard setback (from centerline of right-of-way)
 see also Section 5-1-7)
 - Principal 75 feet
 - Minor arterial 75 feet
 - Collector 55 feet
 - Local 45 feet
 - 7. Maximum coverage of lot by structures 25%
- D. Also see Chapter Five for regulations applicable in all Zone Districts, Chapter Twelve, and Section 4-3-4. It is recommended that specific application of these regulations be discussed with the Administrator.

4-2-3 RSF-2 (RESIDENTIAL SINGLE FAMILY) - NOT TO EXCEED TWO UNITS PER ACRE. This zone provides for low density single family uses with associated limited agricultural uses generally for hobby purposes. It allows for the continuation of rural uses in annexed areas with the expectation that larger parcels will develop into urban or suburban densities.

- A. Minimum lot area 21,500 sq. ft.
- B. Maximum units per gross acre 2
- C. Bulk Requirements
 - 1. Minimum street frontage 50 feet
 - 2. Maximum height of structures 32 feet
 - 3. Minimum lot width (at structure site for principal structure) 100 feet
 - 4. Minimum side yard setback
 - Principal structure 15 feet
 - Accessory structure (on rear half of parcel) 3 feet
 - 5. Minimum rear yard setback
 - Principal structure 30 feet
 - Accessory structure 3 feet
 - 6. Minimum front yard setback (from centerline of right-of-way)
(see also Section 5-1-7)
 - Principal arterial 75 feet
 - Minor arterial 75 feet
 - Collector 55 feet
 - Local 45 feet
 - 7. Maximum coverage of lot by structures 25%
- D. Also see Chapter Five for regulations applicable in all Zone Districts, Chapter Twelve, and Section 4-3-4. It is recommended that specific application of these regulations be discussed with the Administrator.

4-2-4 RSF-4 (RESIDENTIAL SINGLE FAMILY) - NOT TO EXCEED FOUR UNITS PER ACRE. This zone provides for low density single family development within urban areas. Developments of this density shall be provided with complete urban services and facilities, e.g. water, sewer, streets, and other utilities.

- A. Minimum lot area 8,500 sq. ft.
- B. Maximum units per gross acre 4
- C. Bulk Requirements
 - 1. Minimum street frontage 20 feet
 - 2. Maximum height of structures 32 feet
 - 3. Minimum lot width (at structure site for principal structure) 75 feet
 - 4. Minimum side yard setback
 - Principal structure 7 feet
 - Accessory structure (on rear half of parcel) 3 feet
 - 5. Minimum rear yard setback
 - Principal structure 30 feet
 - Accessory structure 10 feet
 - 6. Minimum front yard setback (from centerline of right-of-way)
(see also Section 5-1-7)
 - Principal arterial 75 feet
 - Minor arterial 65 feet
 - Collector 50 feet
 - Local 45 feet
 - 7. Maximum coverage of lot by structures 35%
- D. Also see Chapter Five for regulations applicable in all Zone Districts, Chapter Twelve, and Section 4-3-4. It is recommended that specific application of these regulations be discussed with the Administrator.

4-2-5 RSF-5 (RESIDENTIAL SINGLE FAMILY) - NOT TO EXCEED FIVE UNITS PER ACRE. This zone provides for medium density single family development within urban areas. Development of this density shall be provided with complete urban services and facilities, e.g. as per RSF-4.

- A. Minimum lot area 6,500 sq. ft.
- B. Maximum units per gross acre 5
- C. Bulk Requirements
 - 1. Minimum street frontage 20 feet
 - 2. Maximum height of structures 32 feet
 - 3. Minimum lot width (at structure site for principal structure) 60 feet
 - 4. Minimum side yard setback
 - Principal structure 5 feet
 - Accessory structure (on rear half of parcel) 3 feet
 - 5. Minimum rear yard setback
 - Principal structure 25 feet
 - Accessory structure 10 feet
 - 6. Minimum front yard setback (from centerline of right-of-way)
(see also Section 5-1-7)
 - Principal arterial 75 feet
 - Minor arterial 65 feet
 - Collector 50 feet
 - Local 45 feet
 - 7. Maximum coverage of lot by structures 35%
- D. Also see Chapter Five for regulations applicable in all Zone Districts, Chapter Twelve, and Section 4-3-4. It is recommended that specific application of these regulations be discussed with the Administrator.

4-2-4 RSF-4 (RESIDENTIAL SINGLE FAMILY) - NOT TO EXCEED FOUR UNITS PER ACRE. This zone provides for low density single family development within urban areas. Developments of this density shall be provided with complete urban services and facilities, e.g. water, sewer, streets, and other utilities.

- A. Minimum lot area 8,500 sq. ft.
- B. Maximum units per gross acre 4
- C. Bulk Requirements
 - 1. Minimum street frontage 20 feet
 - 2. Maximum height of structures 32 feet
 - 3. Minimum lot width (at structure site for principal structure) 75 feet
 - 4. Minimum side yard setback
 - Principal structure 7 feet
 - Accessory structure (on rear half of parcel) 3 feet
 - 5. Minimum rear yard setback
 - Principal structure 30 feet
 - Accessory structure 10 feet
 - 6. Minimum front yard setback (from centerline of right-of-way)
(see also Section 5-1-7)
 - Principal arterial 75 feet
 - Minor arterial 65 feet
 - Collector 50 feet
 - Local 45 feet
 - 7. Maximum coverage of lot by structures 35%
- D. Also see Chapter Five for regulations applicable in all Zone Districts, Chapter Twelve, and Section 4-3-4. It is recommended that specific application of these regulations be discussed with the Administrator.

4-2-5 RSF-5 (RESIDENTIAL SINGLE FAMILY) - NOT TO EXCEED FIVE UNITS PER ACRE. This zone provides for medium density single family development within urban areas. Development of this density shall be provided with complete urban services and facilities, e.g. as per RSF-4.

- A. Minimum lot area 6,500 sq. ft.
- B. Maximum units per gross acre 5
- C. Bulk Requirements
 - 1. Minimum street frontage 20 feet
 - 2. Maximum height of structures 32 feet
 - 3. Minimum lot width (at structure site for principal structure) 60 feet
 - 4. Minimum side yard setback
 - Principal structure 5 feet
 - Accessory structure (on rear half of parcel) 3 feet
 - 5. Minimum rear yard setback
 - Principal structure 25 feet
 - Accessory structure 10 feet
 - 6. Minimum front yard setback (from centerline of right-of-way)
(see also Section 5-1-7)
 - Principal arterial 75 feet
 - Minor arterial 65 feet
 - Collector 50 feet
 - Local 45 feet
 - 7. Maximum coverage of lot by structures 35%
- D. Also see Chapter Five for regulations applicable in all Zone Districts, Chapter Twelve, and Section 4-3-4. It is recommended that specific application of these regulations be discussed with the Administrator.

4-2-6 RSF-8 (RESIDENTIAL SINGLE FAMILY) - NOT TO EXCEED EIGHT UNITS PER ACRE. This zone provides a high density single family urban development. Common open areas are encouraged to provide functional and aesthetic relief. Development of this density shall be provided with complete urban services and facilities, e.g. as per RSF-4.

- A. Minimum lot area 4,000 sq. ft.
- B. Maximum units per gross acre 8
- C. Bulk Requirements
 - 1. Minimum street frontage 15 feet
 - 2. Maximum height of structures 32 feet
 - 3. Minimum lot width (at structure site for principal structure) 40 feet
 - 4. Minimum side yard setback
 - Principal structure 5 feet
 - Accessory structure (on rear half of parcel) 3 feet
 - 5. Minimum rear yard setback
 - Principal structure 15 feet
 - Accessory structure 3 feet
 - 6. Minimum front yard setback (from centerline of right-of-way)
(see also Section 5-1-7)
 - Principal arterial 75 feet
 - Minor arterial 65 feet
 - Collector 50 feet
 - Local 45 feet
 - 7. Maximum coverage of lot by structures 45%
- D. Also see Chapter Five for regulations applicable in all Zone Districts, Chapter Twelve, and Section 4-3-4. It is recommended that specific application of these regulations be discussed with the Administrator.

4-2-7 RMF-16 (RESIDENTIAL MULTI-FAMILY) - NOT TO EXCEED 16 UNITS PER ACRE.
 This zone provides for medium density multi-family developments. Areas in which this zone might be considered shall be reviewed for adequate services and facilities to accommodate the anticipated densities.

- A. No minimum lot area is required but developments must meet all bulk standards and may not exceed the per acre density indicated.
- B. Maximum units per gross acre 16
- C. Bulk Requirements
 - 1. Maximum height of structures 36 feet
 - 2. Minimum side yard setback
 - Principal structure 10 feet
 - Accessory structure (on rear half of parcel) 3 feet
 - 3. Minimum rear yard setback
 - Principal structure 20 feet
 - Accessory structure 10 feet
 - 4. Minimum front yard setback (from centerline of right-of-way)
 (see also Section 5-1-7)
 - Principal arterial 75 feet
 - Minor arterial 65 feet
 - Collector 50 feet
 - Local 45 feet
 - 5. Maximum coverage of lot by structures 50%
- D. A minimum of ten percent (10%) of the gross land area shall be landscaped.
- E. Also see Chapter Five for regulations applicable in all Zone Districts, Chapter Twelve, and Section 4-3-4. It is recommended that specific application of these regulations be discussed with the Administrator.

4-2-8 RMF-32 (RESIDENTIAL MULTI-FAMILY) - NOT TO EXCEED THIRTY-TWO UNITS PER ACRE. This zone provides for high density multi-family developments. Areas in which this zone might be considered shall be reviewed for adequate services and facilities to accommodate the anticipated densities.

- A. No minimum lot area is required but developments shall meet all bulk standards and shall not exceed the per acre density indicated.
- B. Maximum units per gross acre 32
- C. Bulk Requirements
 - 1. Maximum height of structures 36 feet
 - 2. Minimum side yard setback
 - Principal structure 10 feet
 - Accessory structure (on rear half of parcel) 3 feet
 - 3. Minimum rear yard setback
 - Principal structure 20 feet
 - Accessory structure 10 feet
 - 4. Minimum front yard setback (from centerline of right-of-way)
(see also Section 5-1-7)
 - Principal arterial 75 feet
 - Minor arterial 65 feet
 - Collector 50 feet
 - Local 45 feet
 - 5. Maximum coverage of lot by structures 60%
- D. A minimum of twenty percent (20%) of the gross land area shall be landscaped.
- E. Limitations - Not more than four dwelling units per structure shall be constructed or maintained.
- F. Also see Chapter Five for regulations applicable in all Zone Districts, Chapter Twelve, and Section 4-3-4. It is recommended that specific application of these regulations be discussed with the Administrator.

4-2-9 RMF-64 (RESIDENTIAL MULTI-FAMILY) - NOT TO EXCEED SIXTY-FOUR UNITS PER ACRE. This zone provides for high density multi-family developments.

- A. There is no minimum lot area, but developments shall meet all bulk standards and shall not exceed the per acre density indicated.
- B. Maximum units per gross acre 64
- C. Bulk Requirements
 - 1. Maximum height of structures 36 feet
 - 2. Minimum side yard setback
 - Principal structure 10 feet
 - Accessory structure (on rear half of parcel) 3 feet
 - 3. Minimum rear yard setback
 - Principal structure 20 feet
 - Accessory structure 3 feet
 - 4. Minimum front yard setback (from centerline of right-of-way)
(see also Section 5-1-7)
 - Principal arterial 75 feet
 - Minor arterial 65 feet
 - Collector 50 feet
 - Local 45 feet
 - 5. Maximum coverage of lot by structures 60%
- D. A minimum of fifteen percent (15%) of the gross land area shall be landscaped.
- E. Also see Chapter Five for regulations applicable in all Zone Districts, Chapter Twelve, and Section 4-3-4. It is recommended that specific application of these regulations be discussed with the Administrator.

4-2-10 B-1 (LIMITED BUSINESS) This zone provides a transitional or buffer zone of light business uses between residential areas and heavier business uses as authorized in the Use/Zone Matrix. Development adjacent to residential uses should respect the scale and appearance of the neighborhood. Screening, landscaping, or other features will be required to assure compatibility.

A. No minimum lot area is required but developments shall meet all bulk standards

B. Bulk Requirements

1. Maximum height of structures 40 feet
2. Minimum side and rear yard setback 0 feet
(if abutting a residential zone or existing residential use) 10 feet
3. Minimum front yard setback (from centerline of right-of-way)
(see also Section 5-1-7)
 - Principal arterial 65 feet
 - Minor arterial 55 feet
 - Collector 45 feet
 - Local 40 feet
4. Maximum coverage of lot by structures 60%

C. A minimum of ten percent (10%) of the gross land area shall be landscaped.

D. Limitations

1. Business uses shall be constructed and operated so as not to increase curb parking in front of abutting residential areas, i.e. on-site parking shall be provided.
2. All uses in this district shall cease operation and turn off illuminated signs not later than 11:00 p.m. daily.
3. Service entrances and service yards shall be located only in the rear or side yard of the business use. Service yards shall be screened from an 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 not exceed 16 units per acre.

E. Also see Chapter Five for regulations applicable in all Zone Districts, Chapter Twelve, and Section 4-3-4. It is recommended that specific application of these regulations be discussed with the Administrator.

4-2-11 B-2 (NEIGHBORHOOD CONVENIENCE BUSINESS) This zone provides 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 retail 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.

A. No minimum lot area is required but developments shall meet all bulk standards

B. Bulk Requirements

1. Maximum height of structures 40 feet
2. Minimum side and rear yard setback 0 feet
(if abutting a residential zone or existing residential use) 10 feet
3. Minimum front yard setback (from centerline of right-of-way)
(see also Section 5-1-7)
 - Principal arterial 65 feet
 - Minor arterial 55 feet
 - Collector 45 feet
 - Local 40 feet
4. Maximum coverage of lot by structures 60%

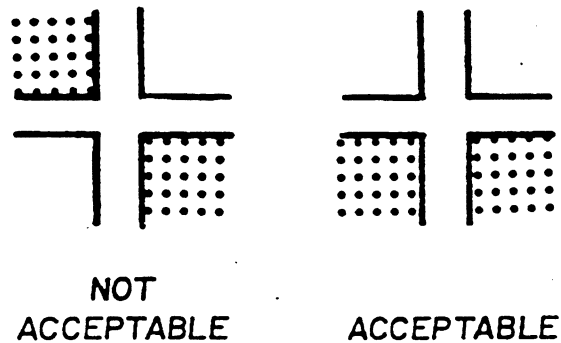
C. A minimum of ten percent (10%) of the gross land area shall be landscaped.

D. Limitations - Uses in this zone district will 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; and
2. Must be located at least eight-tenths of a mile from another Business, Commercial, Industrial zone district or existing use in which retail sales are an allowed use. The distance is measured between the closest boundaries of the two (existing and proposed) trade zone districts; and
3. Can be located only if the proposed use and existing uses will occupy not more than two quadrants of one of the intersecting streets (see Figure F4-2-11); and
4. Maximum land area permitted is 50,000 square feet on a corner. The shorter dimension of this zone district on either corner shall not be less than fifty percent (50%) of the longer dimension; and

5. Business uses must be constructed and operated so as not to increase curb parking in front of abutting residential areas, i.e. on-site parking shall be provided; and
6. All business uses in this district shall cease operation and turn off illuminated signs not later than 11:00 p.m. daily; and
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 zones and uses 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.

E. Also see Chapter Five for regulations applicable in all Zone Districts, Chapter Twelve and Section 4-3-4. It is recommended that specific application of these regulations be discussed with the Administrator.



(Figure F4-2-11)

4-2-12 B-3 (RETAIL BUSINESS) This zone is 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 provide for pedestrian circulation among the uses from common parking areas. The formation of "parking districts" within adjoining areas is encouraged.

A. No minimum lot area is required but developments shall meet all bulk standards.

B. Bulk Requirements

1. Maximum height of structures 40 feet
2. Minimum side and rear yard setback 0 feet
(if abutting a residential zone or existing residential use) 10 feet
3. Minimum front yard setback (from centerline of right-of-way)
(see also Section 5-1-7)
 - Principal arterial 65 feet
 - Minor arterial 45 feet
 - Collector 35 feet
 - Local 25 feet

C. A minimum of seventy-five percent (75%) of the required front yard setback shall be landscaped. On any street where the required setback is less than five feet, the landscaping requirement shall be seventy-five percent (75%) of the first five feet along that street. The Administrator may allow landscaping to be located in areas other than the setback, or first five feet, so long as the total required square footage is provided and the intents of this Code are met.

D. Limitations - Service entrances and service yards shall be located only in the rear or side yard of the business use. Service yards shall be screened from adjacent residentially zoned or used 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 the B-3 zone district and the single family zone district shall be fenced as required above.

Residential uses approved through the conditional use process shall not exceed a maximum density of 64 units per acre.

E. Also see Chapter Five for regulations applicable in all Zone Districts, Chapter Twelve and Section 4-3-4. It is recommended that specific application of these regulations be discussed with the Administrator.

4-2-13 C-1 (LIGHT COMMERCIAL) This zone is primarily for retail and service businesses requiring direct access onto a major street system. This may include major shopping centers as well as outdoor sales and motels.

A. No minimum lot area is required but developments shall meet all bulk standards.

B. Bulk Requirements

1. Maximum height of structures 40 feet
2. Minimum side and rear yard setback 0 feet
(if abutting a residential zone or existing residential use) 10 feet
3. Minimum front yard setback (from centerline of right-of-way)
(see also Section 5-1-7)
 - Principal arterial 55 feet
 - Minor arterial 45 feet
 - Collector 40 feet
 - Local 25 feet

C. A minimum of seventy-five percent (75%) of the required front yard setback shall be landscaped. On any street where the required setback is less than five feet, the landscaping requirement shall be seventy-five percent (75%) of the first five feet along that street. The Administrator may allow landscaping to be located in areas other than the setback, or first five feet, so long as the total required square footage is provided and the intents of this Code are met.

D. Also see Chapter Five for regulations applicable in all Zone Districts, Chapter Twelve, and Section 4-3-4. It is recommended that specific application of these regulations be discussed with the Administrator.

4-2-14 C-2 (HEAVY COMMERCIAL) This zone provides for the establishment of areas of heavy commercial activity such as wholesale businesses, warehousing, and some light fabrication uses. It is anticipated that most uses in this zone will be oriented towards truck or rail traffic.

A. No minimum lot area is required but developments shall meet all bulk standards

B. Bulk Requirements

1. Maximum height of structures 40 feet
2. Minimum side and rear yard setback 0 feet
3. Minimum front yard setback (from centerline of right-of-way)
(see also Section 5-1-7)
 - Principal arterial 55 feet
 - Minor arterial 45 feet
 - Collector 40 feet
 - Local 25 feet

C. A minimum of seventy-five percent (75%) of the required front yard setback shall be landscaped. On any street where the required setback is less than five feet, the landscaping requirement shall be seventy-five percent (75%) of the first five feet along that street. The Administrator may allow landscaping to be located in areas other than the setback, or first five feet, so long as the total required square footage is provided and the intents of this Code are met.

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

E. Also see Chapter Five for regulations applicable in all Zone Districts, Chapter Twelve, and Section 4-3-4. It is recommended that specific application of these regulations be discussed with the Administrator.

4-2-15 I-1 (LIGHT INDUSTRIAL) This zone allows for light manufacturing uses as well as heavy warehousing and high impact uses. It is anticipated that most uses in this zone will be oriented towards heavy truck or rail traffic.

A. No minimum lot area is required but developments shall meet all bulk standards.

B. Bulk Requirements

- 1. Maximum height of structures 65 feet
- 2. Minimum front yard setback (from centerline of right-of-way)
(see also Section 5-1-7)
 - Principal arterial 55 feet
 - Minor arterial 45 feet
 - Collector 35 feet
 - Local 25 feet

C. Along arterial and collector roadways, a minimum of seventy-five percent (75%) of the required front yard setback shall be landscaped. On any street where the required setback is less than five feet, the landscaping requirement shall be seventy-five percent (75%) of the first five feet along that street. The Administrator may approve the landscaping being located in areas other than the setback, or first five feet, so long as the total required square footage is provided and the intents of this Code are met.

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

E. Also see Chapter Five for regulations applicable in all Zone Districts, Chapter Twelve, and Section 4-3-4. It is recommended that specific application of these regulations be discussed with the Administrator.

4-2-16 I-2 (HEAVY INDUSTRIAL) This zone provides 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 towards heavy truck or rail traffic.

- A. No minimum lot area is required but developments shall meet all bulk standards
- B. Bulk Requirements
 - 1. Maximum height of structures 65 feet
 - 2. Minimum front yard setback (from centerline of right-of-way)
(see also Section 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. Along arterial and collector roadways, a minimum of seventy-five percent (75%) of the required front yard setback shall be landscaped. On any street where the required setback is less than five feet, the landscaping requirement shall be seventy-five percent (75%) of the first five feet along that street. The Administrator may allow for landscaping to be located in areas other than the setback, or first five feet, so long as the total required square footage is provided and the intents of this Code are met.
- E. Also see Chapter Five for regulations applicable in all Zone Districts, Chapter Twelve, and Section 4-3-4. It is recommended that specific application of these regulations be discussed with the Administrator.

4-2-17 P (PARKING, OFF-STREET) This zone provides for areas of 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.

A. No minimum lot area is required but developments shall meet all bulk standards.

B. Bulk Requirements

1. Maximum height of structure 12 feet
2. Minimum setbacks (front, rear and side yard) Same as required for each abutting residential zone district.

C. A minimum of ten percent (10%) of the total gross land area shall be landscaped.

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; and
2. Is provided with entrances and exits so located as to minimize traffic congestion and the effects of headlights at night in accordance with all City regulations.
3. Is provided with wheel or bumper guards so located and arranged that no part of any parked vehicle will extend beyond the boundaries of the parking lot; and
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 uses or 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; and
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; and

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; and
 7. Has not more than one shelter building, not exceeding fifty (50) square feet of floor area, for an attendant; and
 8. The maximum permitted area of the "P" zone shall be no greater than sixty percent (60%) of an adjacent B-2 zone area.
- E. Also see Chapter Five for regulations applicable in all Zone Districts, Chapter Twelve, and Section 4-3-4. It is recommended that specific application of these regulations be discussed with the staff.

4-2-18 HO (HIGHWAY-ORIENTED) This zone is intended to provide for areas of business and commercial development along arterials in the City urban area, as defined by the Metropolitan Planning Organization. The HO zone will normally not be located more than 500 feet from a major road or highway.

- A. No minimum lot area is required but developments shall meet all bulk standards.
- B. Bulk requirements

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

- 1. Maximum height of structures 65 feet
- 2. Maximum coverage of lot by structures 35%
- 3. Minimum side and rear yard setback 15 feet
- 4. Minimum front yard setback (from centerline of right-of-way)
(see also Section 5-1-7)
 - Principal arterial 65 feet
 - Minor arterial 65 feet
 - Collector 55 feet
 - Local 45 feet

C. A minimum of seventy-five percent (75%) of required front yard setback 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 and not used for parking. This landscaping is in addition to required boundary fences.

D. Limitations:

- 1. The location, size, number, and alignment of driveways shall be so arranged as to prevent traffic hazards and conflicts. The City Engineer may require common driveways, acceleration and deceleration lanes, and frontage roads.
- 2. Additions or alterations to approved HO development plans shall require resubmittal and reprocessing. The Administrator may approve minor changes in the site plan and requirements, in accordance with Section 7-5-6.

- E. 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 upon vehicles.
- F. Also see Chapter Five for regulations applicable in all Zone Districts, Chapter Twelve, and Section 4-3-4. It is recommended that specific application of these regulations be discussed with the Administrator.

4-2-19 PZ (PUBLIC ZONE) This zone provides for uses and facilities in the ownership or control of federal, state, and local governments or political subdivisions. The managing agency may 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.

- A. No minimum lot area is required but developments shall meet all bulk standards.
- B. Bulk requirements
 - 1. Maximum height of structures 65 feet
 - 2. Minimum side and rear yard setback 0 feet
 (if adjacent to a residential zone or existing residential use) 10 feet
 - 3. Minimum front yard setback (from centerline of right-of-way)
 (see also Section 5-1-7)
 - Principal arterial 65 feet
 - Minor arterial 65 feet
 - Collector 55 feet
 - Local 40 feet
- C. A minimum of fifty percent (50%) of required front yard setback shall be landscaped.
- D. Limitations - Service entrances and service yards shall be located only in the rear and side yards. Service yards shall be screened from adjacent residentially-zoned property or uses by the installation and maintenance of a six foot high solid wall or fence.
- E. Also see Chapter Five for regulations applicable in all Zone Districts, Chapter Twelve, and Section 4-3-4. It is recommended that specific application of these regulations be discussed with the Administrator.

4-3 USE/ZONE MATRIX

4-3-1 USE OF THE MATRIX - The Use/Zone Matrix shall be used to determine the types of uses allowed in each zone district. It defines and identifies the applicable process required for establishment of that use. To determine whether a proposed use is allowed in a particular zone district, find the use (or most comparable use as determined by the Administrator) listed. Find the particular zone district across the top of the page. Follow the horizontal and vertical columns to the point of 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, subject to meeting all of the bulk requirements of that zone and the issuance of a building permit as established in Chapter Nine.
- C. An "S" in the space indicates that the use may be allowed upon issuance of a special use permit.
- D. A "C" in the space indicates that the use may be allowed upon the issuance of a conditional use permit, subject to processing under the conditional use requirements of this chapter.

4-3-2 SPECIAL AND CONDITIONAL USES - Special and Conditional Uses are not uses by right. Such uses are not allowed until the particular permit is issued. 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, Section 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 are subject to the same requirements, procedures and criteria as the principal use.

4-3-4
USE/ZONE MATRIX
RESIDENTIAL ZONE DISTRICTS

Uses preceded by an asterisk (*) indicates that special instruction, explanation, or requirements are noted after the matrix chart.

LEGEND	
	Use not permitted
A	Allowed Use (see requirements for building permit)
S	Special Use (subject to special use requirements)
C	Conditional Use (subject to conditional use requirements)

RSF-R	RSF-1	RSF-2	RSF-4	RSF-5	RSF-8	RMF-16	RMF-32	RMF-64
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RESIDENTIAL	RSF-R	RSF-1	RSF-2	RSF-4	RSF-5	RSF-8	RMF-16	RMF-32	RMF-64
GROUP RESIDENCES - dormitory, sorority, fraternity or lodging, boarding or rooming house where three (3) or more rooms are used on a non-transient basis							A	A	A
HOME OCCUPATIONS (see definitions & home occupation section for complete standards)	A	A	A	A	A	A	A	A	A
✓ MULTI-FAMILY RESIDENTIAL							A	A	A
✓ RESIDENTIAL SUB-UNIT (see special use section for complete standards)	S	S	S	S	S	S			
✓ * (1) (2) (4) SINGLE FAMILY RESIDENTIAL	A	A	A	A	A	A	A	A	A
COMMUNITY FACILITIES - PUBLIC & PRIVATE									
✓ BOARDING SCHOOLS							S	S	S
✓ BUS/COMMUTER STOPS			A	A	A	A	A	A	A
✓ CEMETERIES	A	A	A	A	A	A	A	A	A
✓ (7) CHURCHES	A	A	A	A	A	A	A	A	A
✓ COLLEGES							C	C	C
✓ CULTURAL / EDUCATIONAL / RECREATIONAL FACILITIES - museums, art centers, libraries, ball parks & recreational halls	S	S	S	S	S	S	S	A	A
✓ DANCE / MUSIC SCHOOLS							S	S	S
✓ FIRE / POLICE STATIONS / RESCUE / EMERGENCY SERVICES	S	S	S	S	S	S	S	S	S
✓ FUNERAL HOMES / MORTUARIES / CREMATORIES							S	S	S
✓ GOLF COURSES / GOLF DRIVING RANGES							S	S	S
✓ HELIPADS								C	C
✓ MEMBERSHIP CLUBS & COMMUNITY ACTIVITY BUILDINGS							C	C	C
✓ PARKS / LAKES / RESERVOIRS	S		S	S	S	S	S	S	S
✓ RIDING ACADEMIES and/or OTHER FACILITIES	C	C	C	C	C	C	C	C	C
✓ SCHOOLS	S	S	S	S	S	S	S	S	S
✓ SERVICE LINES	A	A	A	A	A	A	A	A	A
✓ SWIMMING POOLS	S	S	S	S	S	S	A	A	A
✓ TRANSMISSIONS LINES	S	S	S	S	S	S	S	S	S
HUMAN CARE / TREATMENT FACILITIES									
✓ CLINICS								S	S
✓ COUNSELING CENTERS							C	S	S
✓ FAMILY FOSTER HOMES (see definitions)	A	A	A	A	A	A	A	A	A

	RSF-R	RSF-1	RSF-2	RSF-4	RSF-5	RSF-8	RMF-16	RMF-32	RMF-64
HOSPITALS / MENTAL HOSPITALS								C	C
NURSERY SCHOOLS / PRESCHOOLS / DAY CARE	S	S	C	C	C	C	S	S	S
PHYSICAL & MENTAL REHABILITATION CENTERS								C	C
RESIDENTIAL GROUP HOMES / RECEIVING HOMES / CARE FACILITIES (see definitions)	A	A	A	A	A	A	A	A	A
REST HOMES / NURSING HOMES / SANITARIUMS / CONVALESCENT FACILITIES (clinics & pharmacies as accessory uses) / ORPHANAGES							S	S	S
RETAIL BUSINESS - LIMITED, OUTSIDE									
FARMERS MARKETS	S	S	C						
NURSERIES / GREENHOUSES/LANDSCAPING MATERIALS	S	S	S	C	C	C	C	C	S
* (5) PRODUCE STANDS (products produced on premises)	A	A	A	A	A	A	A	A	A
AGRICULTURAL OPERATIONS & PROCESSING									
DAIRIES			S						
* (6) FARMS, RANCHES & ACCESSORY USES (including agricultural animals and crops) AND STRUCTURES (including housing for full time employees)	A	A	A						
EXTRACTIVE USES									
OIL / GAS DRILLING	S	S	S	S	S	S	S	S	S
QUARRIES / MINING AND PROCESSING	C	C	C	C	C	C	C	C	C
SAND AND GRAVEL EXTRACTION PROCESSING	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 uses.									
RECREATIONAL CAMPGROUNDS AND CAMPS	C	C	C						
RECREATIONAL USES			C						
* (3) OUTDOOR OR INDOOR EVENTS OF A CULTURAL / SPORTING / EDUCATIONAL RECREATIONAL NATURE	C	C	C	C	C	C	C	C	C
ZOOS (confinement or display)			C						

*** EXPLANATIONS**

- (1) Mobile Homes - within the City, mobile homes shall be allowed only in approved mobile home parks or subdivisions.
- (2) A manufactured single family home meeting manufactured home construction and safety standard certifications (42 U.S.C.S. § 5401 et. seq.) is allowed wherever single family residential units are allowed by this Code. The owner/developer shall provide proof of certification to the Community Development Department prior to placement of any manufactured home on any lot or parcel of land. Applicable building and zoning codes or regulations shall be met.
- (3) In all zones the City Council may allow charitable fund raising events. The criteria used in evaluating requests shall be the same as for Conditional Use Permits. These permits shall be limited to one per week.
- (4) In single family residences, up to two rooms may be rented to non-family members on a non-transient basis so long as the single family characteristics of the use are maintained (see definitions of family & transient).
- (5) Produce stands in a residential zone are allowed provided no hazards are created pertaining to site features such as parking, ingress, egress, and signage, and the operation does not disrupt the peace, quiet and dignity of the neighborhood.
- (6) In the RSF-R zone only, the number of large and small agricultural animals may exceed the maximum allowed under Sections 5-10-3.A and 5-10-3.B.3 with a Conditional Use Permit. See Section 5-10-3.C.
- (7) Churches must comply with Section 5-4-17. Churches with maximum seating capacity greater than 300 may require Special Use Permits. See Section 5-4-17 for more information.

ANY ITEM NOT LISTED ON THE RESIDENTIAL ZONE DISTRICT USE MATRIX CHART IS NOT A PERMITTED USE IN ANY RESIDENTIAL ZONE DISTRICT. FOR ANY USE NOT LISTED, CHECK THE NON-RESIDENTIAL ZONE DISTRICT USE MATRIX CHART. FOR USES NOT LISTED ON EITHER MATRIX CHART, SEE SECTION 4-10.

4-3-4
USE/ZONE MATRIX
NON-RESIDENTIAL ZONE DISTRICTS

Uses preceded by an asterisk (*) indicates that special instruction, explanation, or requirements are noted after the matrix chart.

LEGEND	
	Use not permitted
A	Allowed Use (see requirements for building permit)
S	Special Use (subject to special use requirements)
C	Conditional Use (subject to conditional use requirements)

B-1	B-2	B-3	C-1	C-2	I-1	I-2	H.O.	P	PZ
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RESIDENTIAL									
BUSINESS RESIDENCE (see Section 5-1-10)	A		A	A	A	A		A	
GROUP RESIDENCES - dormitory, sorority, fraternity or lodging, boarding or rooming house where three (3) or more rooms are used on a non-transient basis	A		S						A
* (7) (8) MULTI-FAMILY RESIDENTIAL	A		C					C	A
* (1) (2) (5) SINGLE FAMILY RESIDENTIAL	A		C						A
COMMUNITY FACILITIES - PUBLIC AND PRIVATE									
AIRPORTS/HELIPORTS					C	C	C		C
BUS/COMMUTER STOPS	A	A	A	A	A	A	A	A	A
CEMETERIES			A	A	A	A	A	C	A
CHURCHES	A	A	A	A	A	C		A	
COLLEGES			C						C
CULTURAL/EDUCATIONAL/RECREATIONAL FACILITIES - museums, art centers, libraries, ball parks & recreation halls	A		A	A	A	A	A	C	S
DANCE/MUSIC SCHOOLS	S	A	A	A					
FIRE/POLICE STATIONS/RESCUE/EMERGENCY SERVICES	S	S	S	S	S	S	S	S	S
FUNERAL HOMES/MORTUARIES/CREMATORIES	A		A	A	A			C	
GOLF COURSES/GOLF DRIVING RANGES			A	A	A	A	A	A	S
HELIPADS				C	C	S	S	C	C
MEMBERSHIP CLUBS & COMMUNITY ACTIVITY BUILDINGS	A		A	A	A	A		A	S
PARKS/LAKES/RESERVOIRS	S		S	S	S	S	S	S	S
RACE TRACKS/Drag STRIPS					C	C	C	C	C
RIDING ACADEMIES and/or OTHER FACILITIES	C		C	C					A
SCHOOLS	S								S
SERVICE LINES	A	A	A	A	A	A	A	S	A
SHOOTING RANGES									C
SWIMMING POOLS			A	A	A	A	A	A	S

	B-1	B-2	B-3	C-1	C-2	I-1	I-2	H.O.	P	PZ
TRANSMISSION LINES	S	S	S	S	S	S	S	S	S	S
TRANSPORTATION FACILITIES - bus or R.R. depot or similar use			S	S	S	S	S	C		S
VOCATIONAL/TECHNICAL SCHOOLS		S	A	A	A	A	A	S		S
HUMAN CARE/TREATMENT FACILITIES										
CLINICS	A	S	A	A	A			A		S
COUNSELING CENTER	A		A	A	A			A		S
HOSPITALS/MENTAL HOSPITALS										C
✓ JAILS/HONOR CAMPS/REFORMATORIES										S
✓ COMMUNITY CORRECTIONS FACILITY	S		S	S	S					S
✓ NURSERY SCHOOLS/PRESCHOOLS/DAY CARE	A	A	A	A				S		S
PHYSICAL AND MENTAL REHABILITATION CENTERS	C	C	C	C				C		S
REST HOMES/NURSING HOMES/SANITARIUMS/ CONVALESCENT FACILITIES (clinics & pharmacies as accessory uses)/ORPHANAGES	S									C
SERVICE BUSINESS - LIMITED, INSIDE										
FINANCIAL INSTITUTIONS	A	S	A	A	A			A		
NEIGHBORHOOD SERVICE OFFICES		A	A	A	A			A		
PROFESSIONAL/GOVERNMENT OFFICES	A	C	A	A	A			A		S
SERVICE BUSINESS - PERSONAL, INSIDE										
BARBER SHOPS/BEAUTY SHOPS/PHARMACIES/SELF- SERVICE LAUNDRIES/SIMILAR USES	A	A	A	A	A	A	A	A		
PARKING LOTS Open area for the purpose of parking vehicles of employees or customers. Lots must be improved as specified (see Parking & Loading section)			A	A	A	A	A	A	A	S
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.		A	A	A	A	A	A	A		
COMMERCIAL RESIDENCE - TRANSIENT / NON-TRANSIENT										
✓ HOTELS			A	A	A	A		S		C
✓ MOTELS			A	A	A	A		A		
RESIDENTIAL HOTELS/HOSTELS/TOURIST HOMES	C		A	A				A		C
RESTAURANT BUSINESS, LIMITED Consists of building for serving the dining needs of persons but does not include drive-throughs; does include drive-in service.										
CAFES	S	A	A	A	A	A	A	A		
RESTAURANTS/CAFETERIAS		S	A	A	A	A	S	A		
AMUSEMENT BUSINESS - INSIDE										
BOWLING ALLEYS			A	A	C			A		
HEALTH ATHLETIC CLUBS & SERVICES (swimming pool accessory use)		S	A	A	S	S		A		

	B-1	B-2	B-3	C-1	C-2	I-1	I-2	H.O.	P	PZ
BARS/NIGHT CLUBS			C	C	C	C		C		
RECREATION HALLS/POOL HALLS			A	A	C			A		
SHOOTING RANGES — <i>on prev. page also</i>					S	S				
SKATING RINKS/ENTERTAINMENT CENTERS			A	A	S		C	S		
THEATERS			A	A	S			A		
ADULT ENTERTAINMENT ESTABLISHMENTS (See Section 5-13)				A	A	A	A			
RETAIL BUSINESS - LIMITED, OUTSIDE										
AMUSEMENT PARKS				A	C			C		
DRIVE-IN THEATERS				A	C					
FARMERS MARKETS			S	S	S			S		S
* (6) FLEA MARKETS			S	S	A	A		C		
GOLF DRIVING RANGES				A	C			C		
MINIATURE GOLF COURSES			A	A	S			A		
NURSERIES/GREENHOUSES/LANDSCAPING MATERIALS			A	A	A	A	A	A		C
* (3) OUTSIDE SALE RETAIL GOODS	S	A	A	A	A	A	S	S		A
* (9) PRODUCE STANDS	A	A	A	A	A	A	A	A		A
DRIVE-THROUGH BUSINESS										
DRIVE-THROUGH FINANCIAL INSTITUTIONS			A	A	A			A		
DRIVE-THROUGH LAUNDRY/DRY CLEANERS		A	A	A	A			A		
DRIVE-THROUGH PHOTO PROCESSING		S	A	A	A			A		
DRIVE-THROUGH 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 pan of the engine.		C	A	A	A	A	A	A		
RETAIL BUSINESS - UNLIMITED, OUTSIDE (open land for displaying, storing, and selling)										
AUTOMOBILES/PICKUP TRUCKS/VANS				A	A	S	C	S		
FARM IMPLEMENTS/PROPANE OR HOME FUEL DISTRIBUTION					A	A				
MOBILE HOMES					A	A		C		
NURSERY STOCK/GARDENING SUPPLIES			A	A	A	A		A		C
RECREATIONAL VEHICLES AND EQUIPMENT				A	A	A		S		
RENTAL-HOME ORIENTED		C	A	A	A			S		
BUILDING MATERIALS SALES AND STORAGE				A	A	A	A	S		
TRUCKS					A	A				
REPAIR SHOPS/PRODUCTION SHOPS										
APPLIANCE AND CLOTHING REPAIR AND SERVICING		S	A	A	A	A				
CABINET MAKING				A	A	A	A			
UPHOLSTERY SHOPS			A	A	A	A	A			
CONTRACTING AND REPAIR SHOPS					A	A	A			

	B-1	B-2	B-3	C-1	C-2	I-1	I-2	H.O.	P	PZ
LOCKSMITHING			A	A	A	A				
RETAIL BUSINESS - UNLIMITED, INSIDE										
BAKERIES		C	C	S	A	A	A	S		
BUILDING MATERIALS SALES AND STORAGE				A	A	A	A	A		
FEED AND SEED STORES/FACILITIES					A	A	A			
INDUSTRIAL PRINTING & PUBLISHING ESTABLISHMENTS					A	A	A			
MAJOR SHOPPING CENTERS (see definitions)				C	C	C		C		
SERVICE BUSINESS - UNLIMITED										
ANIMAL CLINICS (indoor only)	S	C	A	A	A			A		
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	A	S		
CAMPGROUNDS - OVERNIGHT				A	A			S		
COMMERCIAL BROADCAST/COMMUNICATION TOWERS					A	A	A	C		C
COMMERCIAL CARPET CLEANING ESTABLISHMENTS				A	A	A	A			
COMMERCIAL/INDUSTRIAL RENTAL					A	A	A			
COMMERCIAL LAUNDRIES				A	A	A	A			
COMMERCIAL MEAT PROCESSING (no slaughtering)					A	A	A			
FROZEN FOOD LOCKERS				A	A	A	A			
GLASS FABRICATION AND INSTALLATION			C	A	A	A	A			
KENNELS				S	S	S		C		
PUBLIC GARAGES				A	A	A	A			
ROOFING SHOPS					A	A	A			
SHEET METAL SHOPS					A	A	A			
SIGN PAINTING SHOPS				A	A	A	A			
TAXIDERMY				A	A	A	A			
TRUCK TERMINALS					A	A	A			
AUTOMOTIVE MAINTENANCE										
AUTO REPAIR GARAGES (includes painting)				A	A	A	A	S		
CAR WASHES			S	A	A	A	A	A		
TIRE RECAPPING AND STORAGE					A	A	A			
TRUCK STOPS				A	A	A	A	S		
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	C		
ELECTRONIC FABRICATION Assembly, manufacture, fabrication, maintenance, or adjustment of electronic devices				A	A	A	A			

	B-1	B-2	B-3	C-1	C-2	I-1	I-2	H.O.	P	PZ
MANUFACTURING										
AUTOMOBILE/TRUCK/AIRPLANE ASSEMBLY							A			
BLACKSMITH/MACHINE SHOPS/SAND BLASTING					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						C	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										
IMPOUND LOT					A	A	A			S
CONCRETE PRODUCTS STORAGE						S	S			
JUNK YARDS/SALVAGE YARDS (without repair facilities)							C			C
HEAVY EQUIPMENT STORAGE						A	A			A
LANDFILLS							C			C
PIPE STORAGE						S	S			
SAND AND GRAVEL STORAGE						C	S			C
AGRICULTURAL OPERATIONS AND PROCESSING										
AGRIBUSINESS					A	A	A			S
DAIRIES					C	C	C			C
FARMS, RANCHES & ACCESSORY USES (including agricultural animals and crops) AND STRUCTURES (including housing for full time employees)										A
FEED LOTS							C			

	B-1	B-2	B-3	C-1	C-2	I-1	I-2	H.O.	P	PZ
MEAT PROCESSING WHICH INCLUDES SLAUGHTERING (may have some outside holding of live animals but no feed lots)							S			
EXTRACTIVE USES										
OIL/GAS DRILLING	S	S	S	S	S	S	S	C		S
QUARRIES/MINING AND PROCESSING	C	C	C	C	C	C	C	C		C
SAND AND GRAVEL EXTRACTION PROCESSING	C	C	C	C	C	C	C	C		C
CONCRETE AND ASPHALT PLANTS						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										S
RECREATIONAL USES										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	S	S	S	S	S	C		S
ZOOS (confinement or display)				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) A manufactured single family home meeting manufactured home construction and safety standard certifications (42 U.S.C.S. § 5401 *et. seq.*) is allowed wherever single family residential units are allowed by this Code. The owner/developer shall provide proof of certification to the Community Development Department prior to placement of any manufactured home on any lot or parcel of land. Applicable building and zoning codes or regulations shall be met.
- (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 City Council may allow charitable fund raising events. The criteria used in evaluating requests shall be the same as for conditional use permits. These permits shall be limited to one per week.
- (5) In single family residences, up to two rooms may be rented to non-family members on a non-transient basis so long as the single family characteristics of the use are maintained (see definitions of family & transient).
- (6) See design standards, Section 5-4-13.
- (7) Residential uses in the B-1 zone shall not exceed 16 units per acre. Residential uses in a B-3 zone approved through the conditional use process shall not exceed a maximum density of 64 units per acre.
- (8) Residential uses in upper floors (2nd floor and above) shall be allowed in buildings existing as of June 1, 1994 (Ordinance No. 2752) in the B-3 zone provided all Fire, Building and other applicable Codes are met.
- (9) A Temporary Use Permit is required for a produce stand in a non-residential zone and may include sale of produce grown off the premises (refer to section 4-13).

ANY USE NOT LISTED ON THE NON-RESIDENTIAL ZONE DISTRICT USE MATRIX CHART IS NOT A PERMITTED USE IN ANY NON-RESIDENTIAL ZONE DISTRICT. FOR ANY USE NOT LISTED, CHECK THE RESIDENTIAL ZONE DISTRICT USE MATRIX CHART. FOR USES NOT LISTED ON EITHER MATRIX CHART, SEE SECTION 4-10.

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 obtaining the consideration of, and recommendation by, the City Planning Commission, the City Council may change zone district boundaries.
- C. A proposed change of zone district boundaries may be initiated by the City Council, Planning Commission, or property owners.

4-4-2 FILING AND PROCESSING

- A. An applicant shall schedule a preapplication conference with the Administrator to discuss the proposal. During the conference, the staff will establish the specific number and type of submittal materials required (see Section 4-4-3).
- B. Applications shall be reviewed by appropriate review agencies as stated in Chapter Two, 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 a complete application is submitted, unless the applicant agrees, in writing, to an extension.
- C. At the hearing, Planning Commission shall recommend approval, approval with conditions, or denial of a petitioned zone change, either in whole or in part. The reasons for the action shall be stated.
- D. Upon a recommendation for approval of a rezoning request, with or without conditions, the Administrator shall schedule the application for hearing before the City Council. The hearing shall be held not more than forty-five (45) days following the Planning Commission recommendation. If the Planning Commission recommends denial, the item shall not be scheduled unless within thirty (30) days of the denial, a written appeal is submitted to the Administrator by the applicant. In such cases, the hearing must be held within forty-five (45) days of the date the appeal is submitted.
- E. Within sixty days following the required hearing, the City Council shall approve, approve with conditions, or deny the rezoning in whole or in part. The reasons for the action shall be stated.

- F. A favorable vote of five members of the City Council 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 City Council, the reasons for the action shall be stated in the minutes or resolution of that body.

4-4-3 SUBMITTAL REQUIREMENTS - The applicant shall submit to the Administrator those materials as listed in the SSID Manual (only complete submittals shall be accepted).

4-4-4 CRITERIA - The following questions shall be answered in reviewing rezone applications and shall be considered in the decisions made by the Planning Commission and City Council.

- A. Was the existing zone an error at the time of adoption?
- B. Has there been a change of 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, with the City Master Plan (Comprehensive Plan), 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 (see Definitions)

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

4-5-2 SPECIAL USE PERMIT PROCEDURE

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

- B. The Administrator shall review the application in accordance with the criteria established in this chapter (see Section 4-8). The Administrator shall solicit review comments in accordance with general review procedures (see Section 2-2-2).
- C. The application shall be approved, approved with conditions, or denied within 30 working days from the date the complete application is submitted.
- D. If the applicant notifies the Administrator, in writing, within ten (10) days of receiving notice of the decision that the decision is not acceptable, the Administrator shall refer the application and decision to the Planning Commission at the next regularly scheduled meeting.
- E. All signs used with a special use shall conform with the sign regulations (see Section 5-7) in accordance with the zone where such sign is located.
- F. Developments and uses subject to a special 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 develop or establish such development or uses accordingly shall constitute sufficient basis to revoke the permit.

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

- A. To qualify for a special use permit, a residential sub-unit use shall comply with the following conditions:
 - 1. the use shall be located in its entirety within a principal dwelling unit occupied by the owner of the property; and
 - 2. the outside appearance of the principal structure shall not be changed from that of a single-family residence. Desired private entrances must be located so that they do not disturb this character; and
 - 3. required parking 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 (see Definitions)

4-6-1 CONDITIONAL USE PERMIT - No conditional use shall be maintained or used until a conditional use permit has been approved 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 is not a use by right.

4-6-2 PROCEDURE FOR CONDITIONAL USE PERMIT

- A. The applicant shall schedule a preapplication conference with the Administrator prior to a submittal.
- B. Applicants shall submit the required materials to the Administrator (see Section 4-7). Only complete submittals shall be accepted.
- C. The Administrator shall review the application in accordance with the criteria established in this chapter (see Section 4-8). The Administrator shall solicit review comments in accordance with general review procedure (see Section 2-2-2).
- D. The Administrator shall present the application, including comments of reviewing agencies, to the Planning Commission not later than forty-five days from the required submittal date except as provided in Section 2-2-2. The Planning Commission shall either approve, approve with conditions, or deny the submitted application. The decision of the Planning Commission shall be final unless an appeal is perfected under the provisions of Section 2-2-2C.3.
- E. The action of the Planning Commission, including the reasons and conditions, shall be stated in the minutes of the meeting.
- F. Developments and uses allowed pursuant to 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 be sufficient to revoke the permit.
- G. A conditional use shall remain valid so long as the permitted use is maintained and operated in compliance with the terms and conditions of the approval. A conditional use that is discontinued for one year or longer for whatever reason is not valid. If the administrator believes that a conditional use has been discontinued for more than one year, he shall send written notice by certified mail of the invalidity to the owner of record of the property on which the use was located. Within seven days of the receipt of such notice the owner may request in writing a hearing before the Planning Commission to consider an extension of the permit. If no such request is made, the permit shall be considered revoked.
- H. If any condition of approval is violated, it shall constitute a violation of this Code and subject the violator to the provisions of Chapter Eleven, Administration and Enforcement. The

Administrator may request voluntary compliance prior to initiating actions as specified in Chapter Eleven.

- I. All signs used in conjunction with conditional uses are subject to the sign regulation (see Section 5-7) in accordance with the zone where such sign is located.

4-7 SUBMITTAL REQUIREMENTS FOR SPECIAL AND CONDITIONAL USES

4-7-1 SITE PLAN - The submittal requirements are as set forth in the SSID Manual and any other material which may be needed to adequately review the specific project for compliance with the requirements of this Code.

4-7-2 MAINTENANCE AND AMENDMENT

- A. The applicant shall comply with the approved site plan and all conditions set forth in the terms of the permit and shall be maintained for the life of the use, unless amended.
- B. A special or conditional use permit may only be amended by a resubmittal of material required to adequately review the amendment. Minor amendments may be approved by the Administrator. Major amendments shall require submittal of necessary materials for complete review of the amendment. Both minor and major amendments shall meet the criteria and requirements of Section 7-5-6.

4-8 CRITERIA FOR EVALUATING SPECIAL AND CONDITIONAL USES

4-8-1 GENERAL CRITERIA - The following criteria shall be used to evaluate all special and conditional use applications. These general criteria are in addition to any specific criteria listed in the Special and Conditional Use Criteria Matrix Figure 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 shall be expressed in terms of appearance, site design and scope, as well as the control of adverse impacts including noise, dust, odor, lighting, traffic, etc.; and
- B. The use shall be approved only if the 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., are sufficient to protect adjacent uses; and
- C. Proposed accessory uses must demonstrate that they are necessary and desirable. Such proposed uses shall also comply with the requirements of A. and B. above. Undesirable impacts on these uses shall be controlled or eliminated; and

- D. Adequate public services (e.g. sewage and waste disposal, domestic and irrigation water, gas, electricity, police and fire protection) must be available without the reduction of services to other existing uses; and
- 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.; and
- F. Provisions for proper maintenance shall be provided; and
- 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 Five).

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 Five, which may have specific applicable regulations.)

SPECIFIC CRITERIA MATRIX

SPECIAL OR CONDITIONAL USE CRITERIA																			
● Indicates Applicable Criteria																			
		Churches, Schools, Vo-tech Schools, Boarding Schools	Museums, Art Centers, Libraries, Ball Parks, Recreation Halls	Restaurants/Cafeterias, Cafes, Health & Athletic Clubs & Services	Produce Stands	Bus & R.R. Depots	Police Stations, Fire Stations & Facilities for Electric, Gas Telephone, Water or Sewer Service	Airports	Jails/Honor Camps/Reformatories Rehabilitation Centers, Community Correction Facility	Race Tracks/Drag Strips	Shooting Ranges	Junk Yards	Sanitary Landfill	Curing and Storing Hides	Oil & Gas Well Drilling	Quarries/Mining	Sand & Gravel Pits	Recreational Campgrounds	Sawmills
Does the location of the use benefit existing facilities?	●																		
Are appropriate security measures proposed?	●		●																
Is the location of the use appropriate to the classification of the street or road on which it is located?	●		●		●														
Does the proposed use make provisions for regular periodic peak usages?	●		●			●													
Could there be adverse impacts on natural resources and wildlife habitat areas? Can these impacts be mitigated?							●												
Do safety considerations require special fencing and signage?						●													
Is there a multiple use capacity and how might it be utilized?	●		●																
Will the proposed use cause unusual damage or congestion on streets and roads and how may this be mitigated?						●													
Are prevailing wind factors such that they would create adverse impacts from the proposed location of the use?							●												
Are soil and geologic suitability adequate?							●												
Is there a feasibility of recycling waste products?																			
Is proposed reclamation of the location & effects of the use adequate & what are the limitations of future uses on the reclaimed land?																			
Are accumulations of unusable unrecycled materials properly																			
Have water retention areas & mosquito/pest control been adequately addressed?	●																		

(Figure F-4-8-2)

4-9 NON-CONFORMING USES

4-9-1 CONTINUANCE - A lawful use made non-conforming by the adoption of this Code or prior ordinances of the City may continue to operate only for so long as such use fulfills all of the requirements of this section:

- A. A lawful structure or parcel of land (existing as of the effective date of this amendment - June 2, 1995) which is non-conforming due solely to failure to meet the Bulk Requirements of the zone in which it is located may be used for any purposes permitted in the zone so long as the use is in conformance with the provisions of Section 4-9. A parcel of land with an area less than prescribed in the applicable zone may be used for any purpose permitted in the zone if (1) the owner is able to demonstrate to the satisfaction of the Director that the parcel was lawful at the time it was created and (2) no reasonable alternative exists to make the non-conforming lot conforming, such as the addition of adjoining land under the property owner's control and (3) the use meets all other regulations prescribed for the zone prior to occupancy or use.
- B. Uses which are non-conforming due to the type of use and the zone in which they are located shall not be enlarged or extended except as provided in Section 4-9-2; and
- C. This section shall not prohibit normal maintenance or minor repair of a non-conforming use. Minor repairs shall be defined as repairs that are nonstructural in nature. If damage to a non-conforming use is less than fifty percent of its fair market value, the use may be restored but shall comply with applicable Fire and Building Codes, provided that the work is commenced within one year from the date of the damage and completed within one year thereafter. If damage exceeds fifty percent of market value, restoration shall not be permitted unless the restoration results in a use conforming to all requirements of this Code except as provided in Section 4-9-1F; and
- D. A non-conforming use may be changed only to a use which makes it conform with the zone in which it is located; and
- E. Whenever a non-conforming use has been discontinued for a period of one year or longer, such use or any other non-conforming use shall not be reestablished but shall be conclusively deemed to be abandoned, and any further use on the property shall be in conformance with the provisions of this Code. Evidence of intent to abandon the non-conforming use is not required. A non-conforming residential use which has been unoccupied for a period of one year or more shall not be considered discontinued unless the structure has been changed to a non-residential use. No such non-conforming residential use shall be allowed to increase the number of dwelling units without complying to the provisions of this Code.
- F. A non-conforming single-family residence that has been damaged by fifty percent (50%) or more of its fair market value may be repaired or restored only if: all such repair or restoration work complies with applicable codes, e.g., building and fire; and, the repair or restoration work

is substantially commenced within 365 days from the date of the damage and substantially completed within 730 days from the date of the damage; and, the square footage of the residence is not expanded or increased. The Administrator may extend the deadlines for commencement or completion of such repair or restoration work upon a showing that the applicant, due to circumstances beyond the applicant's control, cannot, despite the exercise of reasonable diligence, comply. (Also see Section 4-9-3.B)

- G. A non-conforming Mobile Home or Manufactured Home not in a mobile home park that has been removed from its foundation or pad for a period of one year or longer shall constitute abandonment of the mobile home or manufactured housing use and must comply with the provisions of this Code. Evidence of intent to abandon the non-conforming mobile home or manufactured home use is not required.

4-9-2 EXPANSION

- A. A non-conforming residential use shall not be expanded in scope or area (see also Section 4-9-3B).
- B. A non-conforming business, commercial, or industrial use may be expanded when:
 - 1. Structural expansion shall not exceed fifty percent (50%) of existing gross 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, Section 5-5).
 - 3. Where a non-conforming use occupies a portion of an existing structure, expansion shall be limited to fifty percent (50%) of the square footage occupied by the use.
- C. Application for expansion shall be submitted to the Administrator, 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 (see definitions) 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 from thirty-five percent or more of the property owners within the two hundred foot limit within twenty days of the posting, 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 non-conforming signs (see Sign Regulations, Section 5-7-5).
- B. Non-conforming residential uses shall be allowed to provide private garages or sanitary facilities without complying with Section 4-9-2 of this chapter. Such additions shall comply with all Bulk Requirements of the zone in which they are located.

C. The Zoning and Development Code Board of Appeals may vary the provisions of this Section (4-9) when all of the criteria set forth in Section 10-1-1B.2. have been satisfied. Application and processing shall be in accordance with the provisions of Chapter Ten.

4-9-4 EVIDENCE OF STATUS - Evidence of the status of a non-conforming 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 INTERPRETATION - The Administrator shall make a determination if a use not mentioned can reasonably be interpreted to fit into a use category where similar uses are described. Interpretations may be ratified by the Planning Commission at a regularly scheduled meeting.

4-10-2 NON-INTERPRETATION - Where the Administrator determines that a use not mentioned is of a type, scope, or impact that does not fit any existing use category, the Administrator shall initiate a text amendment procedure for reviewing the specific use applied for and its location. An approval does not create a right for a similar use within the same zone category.

4-11 ZONING OF ANNEXATIONS

Land annexed to the City shall be zoned in accordance with Section 4-4. (The applicant may be the Administrator 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 established neighborhoods shall be considered; and
- 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 Four, 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 maps.

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 by Section 10-1-1A.1.

4-13 TEMPORARY USES AND STRUCTURES

The Temporary Use Permit is a mechanism by which the City may allow a use to locate within the City on a short-term basis and by which seasonal or transient uses can be allowed. Prior to conducting or establishing a temporary use or structure, approval of a Temporary Use Permit by the Community Development Department is required.

4-13-1 USES PERMITTED - An allowed use in all non-residential zone districts or as indicated in Section 4-3-4, may be a Temporary Use, provided that:

- A. Compatibility with Surrounding Area. The allowance of a Temporary Use and/or Temporary Structure shall not be detrimental to the public health, safety and general welfare, and the use shall be consistent with the purpose and intent of this Code and the specific zoning district in which it will be located and the use shall be compatible in intensity, characteristics and appearance with existing land uses in the immediate vicinity of the temporary use; and the use, value and qualities of the neighborhood surrounding the temporary use shall not be adversely affected by the use or activities associated with it. In addition to those listed herein, factors such as location, noise, odor, light, dust control and hours of operation may be considered; and
- B. Traffic. The location of the temporary use and/or structure, or its intensity, is such that adverse effects on surrounding properties will be minimal, as determined by the Administrator, particularly regarding any type of traffic generated or impacted by the temporary use or structure and impact upon traffic circulation in the area; and
- C. Parking and Access. Adequate off-street parking, according to section 5-5 of this Code is provided to serve the use. The use does not displace the required off-street parking spaces or loading areas of the principal permitted uses on the site. The entrance and exit drives shall be designed to prevent traffic hazards and nuisances; and
- D. Location on Public Property. The use shall not be on publicly owned property unless the applicant first obtains approval of a revocable or other applicable permit through the City or the property owner, if not the City (also 5-2-1);

1. Special events and activities conducted on public property such as school sites and City parks shall be exempt from the provisions of section 4-13 of this Code but must comply with any guidelines, regulations and permitting process required by the authorizing agency (e.g., School District 51 or City Parks and Recreation Department).
- E. Property Line Setbacks. Structures and/or display of merchandise must comply with the yard and property line setback requirements of the zone district within which it is located. The items must be displayed so as not to interfere with the sight visibility triangle of the intersection of the curb line of any two streets or a driveway and a street. In no case shall items be displayed, stored or sold within the public right-of-way; and
- F. Sales Tax License. Before a temporary use involving the sale of merchandise may begin, a sales tax license must be obtained from the City Finance Department. If not obtained, the Temporary Use Permit shall be revoked if issued or shall not be issued until licensure is obtained; and
- G. Signs. Signage for temporary uses shall be permitted only within the time frame for which the temporary use is permitted. The total sign allowance for a temporary use shall be thirty-two (32) square feet, not including permanent signage that may be on a vehicle or booth. All signs for temporary uses shall be attached to a structure, vehicle or existing sign post. Portable signs, such as "Sandwich Boards," etc., shall not be allowed. Off-premise signage for a temporary use shall not be allowed; and
- H. Number per parcel. Only one temporary use shall be permitted for a single parcel of land at any given time; and
- I. Period of Time Between Temporary Uses. A minimum of thirty (30) days between any temporary use on a parcel is required.

4-13-2 CONDITIONS OF APPROVAL- In the allowance of such a use, the Administrator shall have authority to require such reasonable conditions as necessary to protect the public health, safety and general welfare and to ensure that the use, value and qualities of the neighborhood surrounding the proposed location will not be adversely affected.

4-13-3 APPLICATION- Applicants for a Temporary use Permit shall submit a completed application form which contains such information as established by the Administrator who shall approve or deny the application within ten (10) working days of submittal.

4-13-4 APPEALS- A denial by the Administrator may be appealed to the Board of Appeals. Refer to Chapter 10 regarding the appeals process.

4-14 SITE PLAN REVIEWS

4-14-1 A Site Plan Review is required for all site development in the City except for single-family residences. Development includes structures and site improvements such as parking lots, grading and excavation. Site Plan Reviews also apply to any change of use on a site, as determined by the Administrator. This review shall occur prior to planning clearance and the issuance of a building or grading permit. When a Conditional or Special Use application is reviewed, or when the Final Plan for a Planned Development is reviewed, Site Plan Review is included as part of those reviews.

4-14-2 PROCEDURE

- A. The applicant shall schedule a pre-application conference with the Administrator prior to a submittal.
- B. The Administrator shall review a submitted site plan in accordance with the criteria listed under 4-13-4. Comments on the proposed site plan shall be made within 10 working days of a complete submittal.
- C. The petitioner shall make written response to any staff comments or resolve outstanding issues prior to final approval. This response shall occur within 30 days of the mailing date of staff comments unless a specified time extension is requested and granted in writing. The maximum limit on an extension is six months from the original staff comment date.
- D. The final decision shall be to approve, approve with conditions, or deny the site plan. The applicant shall be notified of the decision of denial within 5 working days after submitting the written response. An appeal of any decision shall be assigned to the Planning Commission.
- E. Development must commence within six months of final approval, unless approved otherwise, or the approval becomes null and void.

4-14-3 SUBMITTAL REQUIREMENTS - The applicant shall submit to the Administrator a completed application form, the site plan, required fee(s), and other materials identified during the pre-application conference including items listed in the SSID Manual. Only complete submittal shall be accepted.

4-14-4 CRITERIA

- A. The site plan layout shall satisfy all development standards of the underlying zone unless a variance(s) is concurrently considered and approved with the review.
- B. The proposed development or change of use will meet required City standards for development improvements such as drainage, water, sewer, traffic, and other public services.

- C. The proposal is consistent with any adopted corridor guidelines.
- D. The proposal is in conformance with any adopted elements of the City's Comprehensive Plan and/or with any adopted neighborhood plans.
- E. The proposal sufficiently addresses and satisfies any issues discussed at the pre-application conference and/or in the review comments and it adheres to basic land use, design, and city planning principles.

CHAPTER FIVE GENERAL REGULATIONS

The development, maintenance, or operation of any use shall be allowed only when it complies with the standards and regulations as described in this Chapter unless it qualifies as a non-conforming use in accordance with the provisions of Section 4-9. Unless otherwise specified, requests for variances from the regulations contained in this Chapter shall be processed and evaluated in accordance with the provisions of Chapter Ten, Variances.

5-1 GENERAL PERFORMANCE STANDARDS

5-1-1 GENERAL - Dust, fumes, odors, refuse matter, smoke, vapor, noise, electromagnetic or equivalent interference, vibration, or similar noxious substances or conditions shall be effectively confined to the premises where located, or effectively minimized so as not to be injurious or detrimental to the adjacent uses, neighborhood, or general public.

5-1-2 OUTDOOR STORAGE

- A. No portion of any required front yard shall be used for the permanent storage of appliances, motor vehicles, trailers, airplanes, boats, parts of any of the foregoing, or building materials, except building materials for use on the premises and stored thereon during the time a valid permit is in effect for construction on the premises. Permanent storage, as used in this section, means presence for a period of forty-eight or more consecutive hours in the required front yard setback.
- B. Junk, junk vehicles, and salvage yards (see Definitions) shall not be allowed to collect on any premises except as provided for in the Use/Zone Matrix; except that a maximum of two vehicles intended for repair or restoration may be kept on the premises, but only if all of the following conditions are satisfied:
 - 1. Vehicles must be owned by the owner or occupant of the premises upon which the vehicles are located.
 - 2. The vehicles shall be stored in an enclosed garage, under an opaque cover designed for the vehicle, or otherwise screened from public view.
 - 3. Vehicles shall not be stored within a front or side yard.
 - 4. There shall be no exterior storage of vehicular parts.
- C. All outdoor storage, in any zone, which occupies a volume of more than 150 cubic feet, shall comply with the following:

1. No such storage shall be placed or maintained in a required front yard setback; and
2. All such storage shall be screened so that it cannot be seen from any arterial or collector roadways, nor from abutting residential uses or zones; and
3. Screening may consist of any combination of fences, walls, berms, or landscaping so long as it is at least six feet in height and provides year-round screening. Screening in excess of six feet in height shall comply with zone setback requirements (see also Section 5-1-5 and 5-4-14A); and
4. Except for integral units (see Definitions), stored items shall not project above the screening; and
5. All screening shall be installed in a professional manner and maintained in good condition; and
6. Screening shall not obstruct adequate sight distance as established in Section 5-3-2.
7. The owner or operator of all existing storage areas shall comply with all City regulations by October 1, 1989.

5-1-3 ILLUMINATION - Any light used for illumination of signs, parking areas, security, or for any other purposes shall be arranged so 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 for single family dwellings shall comply with the following requirements:

A. All parking and vehicular traffic surfaces are subject to the following:

1. All required parking and vehicular traffic surfaces shall be properly graded for drainage and surfaced with concrete or bituminous pavement. The City Engineer may permit a gravel or similar surface to be used in overflow parking areas, low-traffic storage yards, or as provided in (2) below, if the applicant establishes that undue amounts of dust will not be generated. Overflow parking is defined as "parking in addition to the minimum required by ordinance which is designed not to be used more than ten (10) times per year." A low-traffic storage yard is defined as "an enclosed storage area generating less than 30 ADT (average daily trips)." The Administrator may, in writing as a part of the regulations for the Department, revise the definition to permit gravel paving in other cases if he finds that the quantity of dust generated is no greater than in the cases permitted above.

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3. Screening may consist of any combination of fences, walls, berms, or landscaping so long as it is at least six feet in height and provides year-round screening. Screening in excess of six feet in height shall comply with zone setback requirements (see also Section 5-1-5 and 5-4-14A); and
4. Except for integral units (see Definitions), stored items shall not project above the screening; and
5. All screening shall be installed in a professional manner and maintained in good condition; and
6. Screening shall not obstruct adequate sight distance as established in Section 5-3-2.
7. The owner or operator of all existing storage areas shall comply with all City regulations by October 1, 1989.

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All surfaces shall be maintained in good condition free of weeds, dust, trash and debris. All vehicular traffic areas must be constructed to standards established by the City Engineer.

2. Temporary surface parking lots are parking areas which serve as a transitional use of a property and are temporary in nature. Temporary parking lots shall be an allowed use in the B-3, C-1, C-2, I-1, I-2, HO, P and PZ zone districts and shall be subject to site plan review as required in Section 4-13.

For purposes of this section, "temporary" is defined as a period not to exceed two years from issuance of a permit from the Community Development Department. Temporary parking lots may be surfaced with gravel and shall be properly graded for drainage and maintained in good condition free of weeds, dust trash and debris. Temporary parking lots shall be subject to all landscaping and screening requirements. Parking spaces within a gravel lot shall be delineated with concrete "bumper blocks."

Continued use of all or a portion of a temporary parking lot beyond the two year expiration date will require that the parking lot be upgraded to the standard contained in paragraph (1) above and shall require Site Plan Review. Continued use of the temporary parking lot beyond permit expiration without the required improvements shall be subject to a fine of \$250 per day of such additional use.

- B. Such areas shall be screened in order to minimize disturbance to occupants of adjacent residential buildings. Each boundary line directly abutting a residential use or zone shall be screened with any combination of walls, fences, berms or landscaping, so long as the screen is at least four feet in height and provides year-round screening. Fences and walls shall be subject to provisions of Section 5-1-5 "Fences."
- C. All entrances and exits to such areas shall be located and constructed to minimize traffic congestion and are 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 than ten feet to any public right-of-way.

5-1-5 FENCES

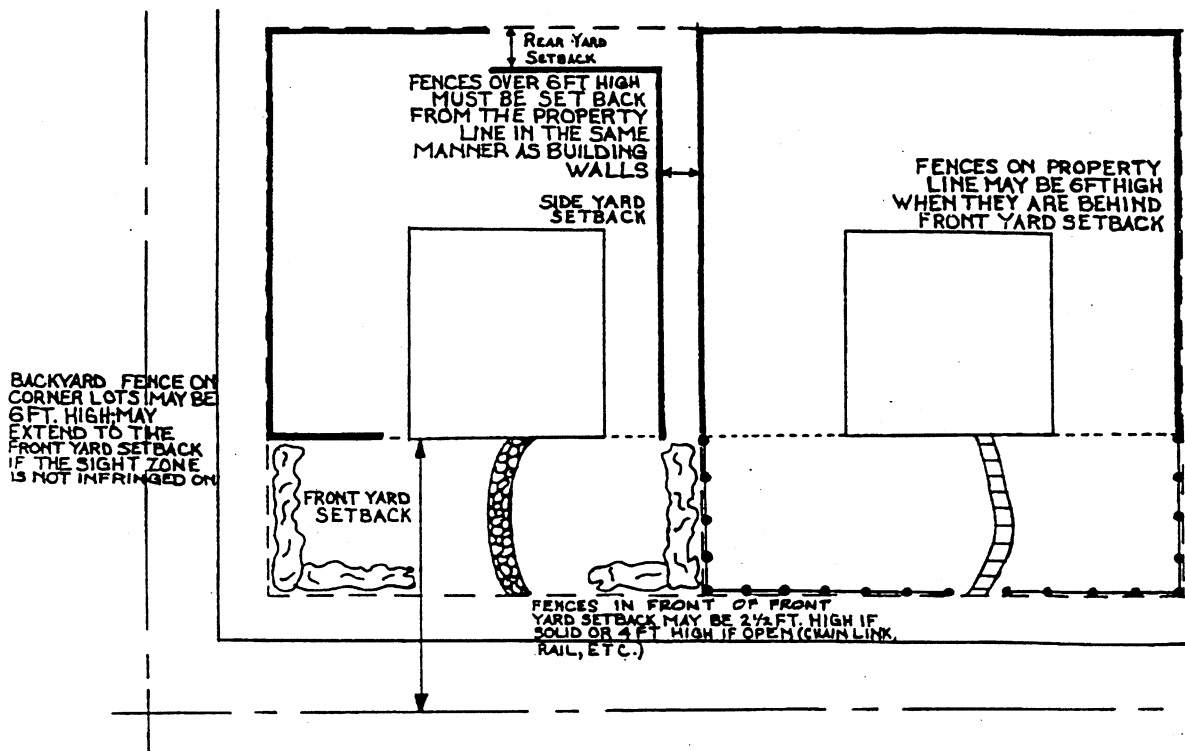
- A. Fences in residential, P and PZ zones shall meet the following standards (see also Section 5-3-2, Figure F5-1-5, and the definition of Fence):
 1. Fences in the required front yard setback area shall not exceed thirty inches in height. Such fences may be increased to forty-eight inches maximum height 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.

Fences up to six feet in height are permitted within front yard setbacks along Patterson Road for the purpose of screening or buffering. Such fences shall meet all requirements of this Code concerning traffic visibility (see Section 5-3-2). The Administrator shall review fences proposed under this paragraph in accordance with special and conditional use criteria and may refer a proposal to the Board of Appeals for review of any potentially adverse impacts.

2. 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.
 3. On that part of the lot other than the required front yard setback area, fences may be erected to six feet in height. Fences within a required setback area exceeding six feet in height are conditional uses (see Section 4-6).
 4. 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.
 5. 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 uses. For fences on retaining walls, see definition of a retaining wall.
 6. Requests for variances from Section 5-1-5 shall be processed in accordance with the provisions of Chapter Ten, Variances.
- B. Fences in all B, C, I, and H.O. zones shall meet the following standards (see also Section 5-3-2 and definition of Fence). Location of these fences must be approved by the City Engineer to ensure that adequate sight distance is maintained.
1. Fences to a maximum height of six feet may be placed anywhere on a parcel. The addition of not more than three-strands of barbed wire is allowed and shall not be considered in the height calculation.
 2. Fences in excess of six feet shall be considered a structure and shall comply with the Uniform Building Code, all required setbacks, and the provisions of Chapter Nine.

- C. All fences in any zone shall be constructed in a professional manner and shall be properly maintained.
- D. Fences in a Planned Development zone or conditional use site, which are in excess of the residential zone fence standards, shall be reviewed and approved as part of the development plan.
- E. No person shall erect a fence without first obtaining a permit from the Administrator.
- F. Regardless of any provision to the contrary, no fence shall be constructed or maintained in a location if it obstructs views, thereby constituting a traffic hazard (see Section 5-3-2).
- G. Requests for variances from Section 5-1-5 shall be processed in accordance with the provisions of Chapter Ten, Variances.



(Figure F5-1-5)

5-1-6 STRUCTURE HEIGHT

- A. The maximum height for structures in all zones except RSF may be increased by up to twenty five percent (25%) of the allowed height by action of the Planning Commission. The decision of the Planning Commission shall be final unless an appeal, pursuant to Section 2-2-2C.3, is filed. The applicant shall obtain the written approval of the Fire Marshal and Building Inspector that the proposed structure meets all applicable public safety standards.

1. Criteria - No increase in structure height shall be allowed unless the applicant addresses the following to the satisfaction of the Planning Commission or City Council.
 - a. Has a major change in character occurred in the area, such as 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, such as shadow, loss of light, views, and privacy to adjacent uses.
 - c. Will there be benefits derived by the community or area in granting the height increase? Such benefits must be listed in detail.
 - d. Is the height increase in conformance with the policies, intents and requirements of this Code and other adopted plans and policies? If so, how?
2. A hearing shall be as set forth in Section 4-6-2.

- B. The construction, maintenance, or establishment of any building, tree, smokestack, chimney, flagpole, wire, 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 adopted by the Federal Aviation Agency (FAA) shall be minimum standards. No request shall be approved if it violates FAA 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. Heights of structures in planned zones shall be limited to those approved in the Final Development Plan, as specified in Chapter Seven.

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

- X A. Setbacks in all zones have been established for the following purposes:
1. To be proportionate to the size and scale of the land use;
 2. To provide an appropriate streetscape in character with 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 require structures to be separated from traffic corridors and adjoining uses; and
 6. To encourage solar energy uses.
- B. The property owner shall provide the Administrator with a survey by a Colorado-licensed land surveyor to determine minimum setbacks, unless the setbacks can be determined through other means.
 - C. Front yard setback requirements vary, depending on the classification of the abutting street/road as 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 four feet or less into a required setback, 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 yard 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 a carport which intrudes into the required setback shall remain open.
 - H. Fire escapes may extend six feet or less into a required setback.
 - I. Accessory structures on the front half of a parcel must meet all principal structure setbacks.
 - J. More than one contiguous parcel of land in the same ownership may be used for a principal use and to satisfy setback requirements for structures, provided that the owner records an instrument, approved by the City Attorney, attaching the necessary area of the adjacent parcel to the parcel on which the principal use is situated.
 - K. The following special setbacks shall apply where applicable:
 1. Fourth and Fifth Streets between Ute Avenue and Belford Avenue, as legs of a 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.
3. On corner lots, in areas where an existing parkway strip exceeds ten feet in width between a sidewalk and the curb, the front yard setback on a side street may be varied by the Administrator under the following conditions and restrictions. A side street shall be considered that street corresponding to the side yard of the majority of the structures on a block. In unusual or conflicting circumstances, the Administrator shall designate which street is the side street.
 - a. No variance shall be approved to less than five feet from property line.
 - b. Variances may be considered for single family residential uses only and shall not be permitted for any other uses.
 - c. Any variance approved shall meet all other provisions of this Code, including sight distance requirements. No variance shall be granted unless the City Engineer states, in writing, that the proposal will not create unsafe conditions for pedestrian or vehicle circulation.
 - d. No vehicular access shall be allowed from the side street to any structure approved for a variance under the provisions of this Section (5-1-7K.3).
 - e. Approval of a variance shall be in the form of a letter, describing the terms and conditions, signed by the Administrator, containing the legal description of the property in question. The letter shall be recorded by the applicant with the Mesa County Clerk and Recorder prior to issuance of a building permit.
- L. The Board of Appeals may approve an exception to side and rear setback requirements in any multi-family (RMF) zones subject to the provisions established in Chapter Ten of this Code.

5-1-8 LOT AREAS

- A. All lots must be served by a sewer system connected to a public wastewater treatment facility unless:
 1. An existing on-site sewage disposal system is in good operating condition and meets the requirements of this Code; and
 2. The closest available sewer line is more than 400 feet from the lot and a replacement on-site system, meeting State and County Health Department standards, can be installed.

- B. Essential unoccupied public utility installations, such as substations, shall be permitted in an area smaller than the minimum lot area prescribed by this Code. Parcel coverage requirements shall not apply. A substation shall meet all landscaping and screening requirements of its applicable zone.

5-1-9 HOME OCCUPATION

- A. A home occupation is an allowed accessory use in those zones indicated by Section 4-3-4, Use/Zone Matrix, so long as all of 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. No noise, vibration (except that produced by arriving or departing), light, odor, dust, smoke, electromagnetic interference, or other similar effects, detectable outside the dwelling unit by the sense of normal human beings, is allowed;
 3. No person not actually dwelling in the residential unit may be employed in the home occupation;
 4. Not more than six (6) visits per day (of customers/clients) associated with the home occupation shall be permitted;
 5. No more than twenty (20) square feet of on-site floor area shall be used for the storage of goods or materials related to the home occupation;
 6. No person shall initiate any activity which would constitute a home occupation until such person has applied for, and received, a permit from the Director of Community Development, or his designee.
 7. The home occupation shall not generate significantly greater traffic volume than would normally be expected in a residential zone. The parking of customers' or clients' vehicles shall not create safety hazards or unusual congestion. The permittee shall ensure that all parking associated with the home occupation is at all times limited to the driveway or along the street frontage of the premises.
- B. Signage must comply with Section 5-7.
- C. The conducting of a day care center for not more than six (6) children and the instruction of not more than six (6) 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 Administrator shall review all proposed home occupations for compliance with the requirements of this Code.

E. Bed and Breakfast operations are considered an acceptable home occupation in any multi-family (RMF) zone or in an existing residential structure in any business or commercial zone without complying to paragraphs 5-1-9A.4 and 5 above. Such use shall comply with all other provisions of this Section (5-1-9) and the following:

1. No more than five (5) rooms may be rented in any principal residential structure. Garage conversions are not permitted.
2. One off-street parking space shall be provided for each rental room; two off-street spaces shall also be provided for the permanent residents.
3. Fire alarm systems, portable fire extinguishers, and adequate exits shall be provided as required by the Fire Marshall.
4. No person shall operate a home occupation until it has been inspected and approved by the Building, Fire, and Mesa County Health Departments and has been registered with the Community Development Department.

F. A home occupation shall be operated and maintained to not interfere with the peace, quiet and dignity of the neighborhood. The following are examples of uses which would be acceptable as home occupations: low volume office (insurance, realty), beauty shop, seamstress, instruction (as limited in paragraph C), arts and crafts, wordprocessing and other computer applications, and door to door sales.

Under normal operating procedures the following types of uses would not be acceptable as home occupations: medical/dental office, motor vehicle repair, restoration or conversion, engine repair, medical/cosmetic facilities for animals, machine shop/metal working.

G. Deliveries to or from a home occupation shall meet the following conditions:

1. Vehicles used for delivery and pick-up are limited to those normally associated with the provisions of residential services and shall not impede traffic circulation.
2. Deliveries to a home occupation shall be allowed only between 8 AM and 8 PM and the frequency of deliveries shall not exceed that normally and reasonable occurring for a residence.

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, C-2 and I-1 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; and
 - 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; and
 - 3. The dwelling unit shall be located within a structure used primarily for business purposes; and
 - 4. A minimum of two parking spaces must be provided for the dwelling unit in addition to the required parking for the business; and
 - 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 Section 5-3).

The City Manager shall administer, and has the authority to authorize, any use of such property under such conditions as he may deem reasonable and proper, so long as such use conforms to all zoning requirements of this Code and does not conflict with adopted plans and policies.

5-3 STREETS

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

- A. No structure, fence, sign, or other permanent object shall be constructed, maintained, or erected in a public right-of-way without first 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 the prior approval of the City Council.
- C. Commercial vehicles parked in a public right-of-way which abuts residentially zoned areas shall not exceed 1-1/2 tons rated carrying capacity.

5-3-2 SIGHT DISTANCE REQUIREMENTS - In order to minimize the traffic hazards at intersections, the following regulations shall apply:

- A. No wall, fence, shrub, plant or any other object shall be erected, maintained, or grown to a height exceeding thirty inches (30") above grade in the triangular area(s) as shown in Figure F5-3-2.

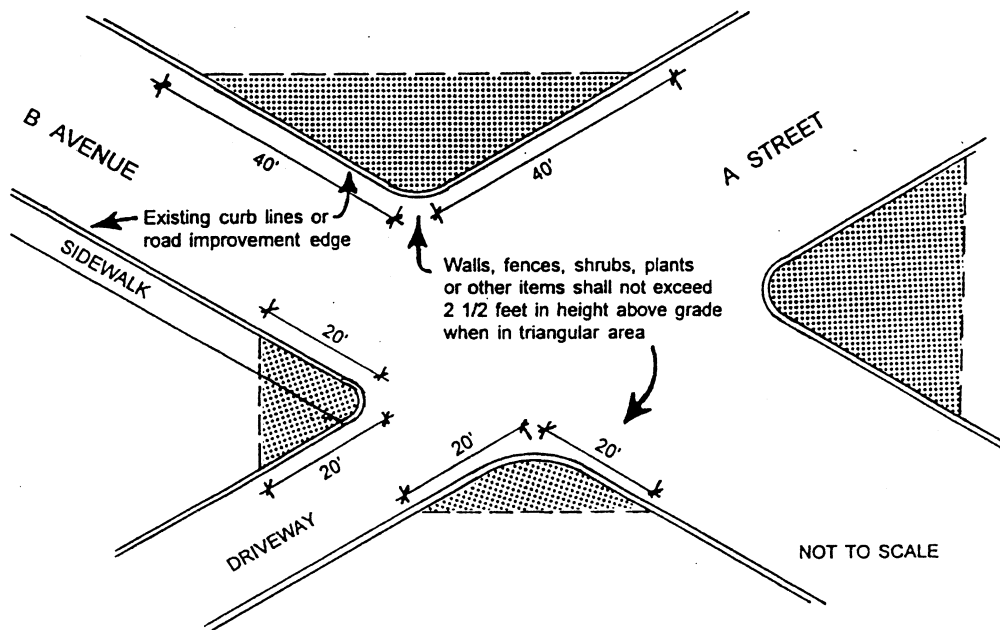


FIGURE 5-3-2 LINE OF SIGHT REQUIREMENTS

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 (when such construction, addition or change may result in additional traffic generation to or from the site) on a parcel abutting that side of a street from which all dedication has not been

made as required by the adopted street classification, or as otherwise required or approved by the City Engineer, in accordance with accepted road standards. Upon receipt of the appropriate deed, and if all other requirements have been met, 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 Administrator 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," shall be a "drive."
4. Streets running north and south, parallel to and connecting with a "street," shall 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, shall take the name of the "avenue" preceding and be designated a "place."
7. Streets running north and south, between established grids, shall take the name of the "street" preceding, and be designated a "lane."
8. Horseshoe-shaped streets beginning and ending within a major block shall 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 platted block. This includes any 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 this section.
- 14. Should situations arise which are not covered, street names will be selected by the Administrator, in coordination with service-providing agencies (police, fire, post office, etc.)

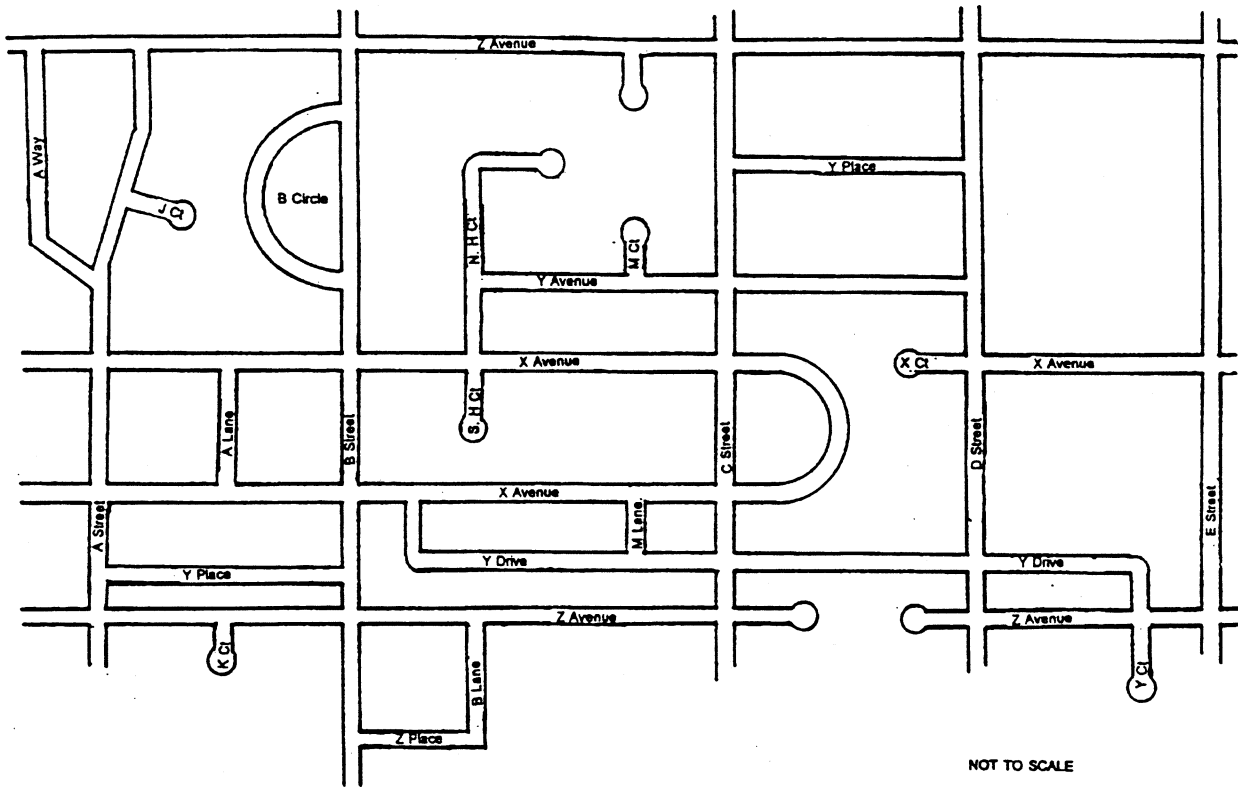


Figure F5-3-4 UNIFORM STREET NAMING GUIDE

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 by 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. An owner or 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 dedicate to the City such rights-of-way (e.g., public streets, sidewalks, trails, bicycle paths and easements) that are needed to serve the area being developed in accordance with:
 1. the Right-of-Way, Functional Classification Map, Grand Junction Urbanized Area dated July, 1983 as it may be amended from time to time (prepared by the Metropolitan Planning Organization of Grand Junction/Mesa County and adopted by the City); and
 2. any sidewalks, trails and/or bicycle plans or maps that the City may adopt, including riverfront trails and bikepaths maps.
- E. Streets, sidewalks, trails and bikepaths shall be constructed in accordance with applicable City of Grand Junction standards.
- F. In addition, if the traffic to be generated by the development as determined by the City Public Works Department (based on "Transportation and Land Development" by the Institute of Transportation Engineers), is sufficient to warrant construction of an one-half Arterial or Collector road section, the street must be improved to such standards.

G. The developer shall pay to the City that amount of money equal to the City Engineer's estimate of the cost of half-road improvements. In lieu thereof, the City Engineer may require that the improvements be installed at the time of development. The developer shall improve the right-of-way.

H. Transportation Capacity Payment

1. The developer of all development which the Director of Public works estimates will generate additional traffic shall be required to pay a Transportation Capacity Payment ("TCP") in the manner and amount set forth in this Ordinance.
2. No building Permit for any use or activity requiring payment of the TCP pursuant to this Ordinance shall be issued until the TCP has been paid, or, in circumstances where improvements are required, until adequate security has been approved and received by the City.
3. Except as provided in (iv), below, the amount of the TCP shall be determined by the following schedule:

<u>USE</u>	<u>TRIPS</u>	<u>TRIP LENGTH</u>	<u>%NEW</u>	<u>PAYMENT</u>
RESIDENTIAL				
Detached Single Family	10	6	100	\$500/Unit
Multi-family (<4-Plex)	8	6	100	\$400/Unit
Multi-Family (>4-Plex)	6	6	100	\$300/Unit
RV Park	5.4	6	100	\$269/Space
COMMERCIAL (per 1000 square feet of floor area, or portion thereof, unless noted otherwise):				
Convenience Store	330	2	45	\$2475
Retail	70	2	30	\$700
Hotel/Motel	10	4	100	\$334/Room
Restaurant	165	2	45	\$1238
Drive-through restaurant	500	2	45	\$3712
OTHER (per 1000 square feet of floor area, or portion thereof);				
Office	12	4	100	\$400
Hospital	16	4	100	\$533
Church	7	4	100	\$155

If the use is less than 1000 square feet, the 1000 square feet payment shall be paid. For uses above 1000, the payment shall be pro rated: for example, a use of 1500 would pay 1.5 times the 1000 square foot payment.

Industrial uses are not listed because of the large variability in the traffic impacts which may result from a particular industrial use. The Director of Public Works (hereinafter "Director") shall require that the developer of such a use submit such information as the Director may require in order that the Director may ascertain the capacity impacts of the proposed use.

4. The following formula shall apply for uses other than the above categories: the Director shall determine if a use is properly classified in one of the listed categories. The Director shall, based on available traffic engineering data, or based on data and studies supplied by an applicant if required by the Director, assign a different value for a particular development:

$$\alpha \times (\text{vehicle trips/day}/10) \times (\text{trip length}/6) \times (\% \text{ new trips})$$

Where α = the TCP calculated for a single family residence. The present α is as set forth and is calculated as shown on Appendix 3.

If a building permit or other development approval is requested for a mixed use, the-Director shall determine the payment, using the applicable schedule portioning the space committed to uses specified on the subsection (iii) schedule. The Director shall determine questions concerning mixed use and proper apportionment.

5. In the case of a change of use, redevelopment, or expansion or modification of an existing use which requires the issuance of a building permit, the Director shall calculate the TCP based upon the additional trip(s) generated. No refunds nor credit shall be given for changes to uses or to lands or structures which reduce trips generated.
6. If the development abuts an existing unimproved or underimproved street, the developer may request, or the Director may require the developer, to construct half street improvements all or a portion of the abutting street to current City street standards in lieu of payment of the TCP. The Director may require such construction if the Director determines that the construction is necessary for the safe ingress and/or egress of traffic to the development, or, if the improvements are proximate to partially improved or under-improved rights-of-way. If the cost of the required street improvement(s) (excluding on-site improvements) is less than the total TCP for the entire development, the TCP will be reduced by the dollar amount of the costs of the required improvements, as determined by the City Engineer, in proportion to the amount paid by the developer for the off-site improvements. Such decision by the Director or his designee may be appealed to the Zoning and Development Board of Appeals (see § 10-1-2) as provided therein.

7. All TCP funds collected shall be identified by the City and deposited in an account to be used to pay the capital costs incurred in making those capital improvements to the transportation facilities in the City of Grand Junction which are necessitated by new development and growth.

Capital spending decisions shall be guided by the principles, among others, that: TCP funds shall be used, to make capacity improvements but not used to upgrade existing deficiencies, except incidentally in the course of making improvements; TCP fund expenditures which provide improvements which are near, in time and/or distance, the development are preferred over expenditures for improvements which are more distant in time and/or distance.

No TCP funds shall be used for maintenance.

TCP funds may be commingled with other funds of the City. The City Council shall determine when and where TCP funds shall be expended.

8. The TCP shall not be payable if a developer or user establishes, by clear and convincing evidence, that at least one of the following applies:
 - a. An alteration or expansion of an existing structure will not create additional trips, and the use is not changed;
 - b. The construction of an accessory structure will not create additional trips produced by the principle building or use of the land. A garage is an example of this type of-accessory structure, which does not create additional trips;
 - c. The replacement of a destroyed or partially destroyed structure with a new building or structure of the same size-and use which will not create additional trips;
 - d. A structure is constructed in a development for which a half street improvement fee has been paid within the prior sixty months, or the structure is in a development with respect to which the developer constructed half street improvements to an existing abutting street, and the City accepted such improvements and the warranties have been satisfied (within the prior sixty months), to the extent that the payment or construction exceeded the cost of the TCP which applies to the entire development. If the half street improvement fee or the City Engineer's estimate of the developer constructed improvements is less than the total TCP for the entire development, the TCP may be reduced a proportionate or dollar amount. Credit shall be given for rights-of-way which were required to be dedicated by the developer as a condition of development approval, and were so dedicated to the City within the prior sixty months. A sixty month period shall be measured from the last step or approval.

9. Any claim for credit shall be made not later than the time of application or request for a planning clearance. Any claim not so made shall be deemed waived. Credits shall not be transferable from one project or development to another nor otherwise assignable or transferable.
10. Nothing in this Ordinance shall effect the present, and continuing, requirement that rights-of-way and other street and road improvements are required to serve the internal ingress and egress needs of the development. Such "internal" improvements shall continue to be constructed by each developer.
11. The minimum level of service against which new trips and growth shall be measured is Level Service E, as described in the Highway Capacity Manual.
12. Definitions. The following terms and words shall have the meanings set forth. A word which is not defined in this subsection shall have the meaning as set forth first in the Zoning and Development Code of the City or, second, as provided in the Code of Ordinances.
 - a. Average trip length: The average length of a vehicle trip as determined by the limits of the City, the distance between principle trip generators, and as modeled by the MINUTP program.
 - b. "Convenience store," "hotel/motel," "retail" and other terms contained in subsection (iii) are as defined and with the meaning set forth in the Trip Generation Manual.
 - c. Lane-mile: means one paved lane of a right-of-way mile in length fourteen (14) feet in width, including curb and gutter, sidewalk, storm sewers, traffic control devices, earthwork, engineering, and construction management including inspections. The value of right-of-way is not included.
 - d. Percentage of new trips: based on Table 3-4 of ITE Transportation and Land Development Manual, 1988, and of the ITE Trip Generation Manual, 1991.
 - e. Unimproved/Under-improved floor area: has the meaning as defined in the 1988 Edition of the Uniform Building Code.

5-4-2 LOTS AND BLOCKS

- A. All blocks shall have a length of at least four hundred feet (400') but not more than eight hundred feet (800').
- 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 (6') 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 - The applicant shall submit to the Administrator those materials as listed in the SSID Manual.

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 as well as all City or other applicable regulations.

B. All developments shall be served by the City water treatment and distribution system, unless such requirement is deemed unreasonable or impracticable, as determined by the Utilities Director. All water lines shall be designed to connect each parcel, as set forth in the previous sentence, with City mains in accordance with applicable engineering standards, unless exempted by the Utilities Manager.

C. Fire hydrants shall be placed and have fire flow capabilities in accordance with the requirements of the Fire Marshal and the City.

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, as well as any City regulations, 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 the Grand Junction 201 Planning Area shall comply with that adopted plan.

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

A. For all new developments requiring processing through the rezoning, planned development, or conditional use procedures of this Code, the owner or petitioner shall pay into the escrow fund for parks/open space acquisition and/or development. For minor or major subdivisions.

the fee is required and payable at the time of platting. All other reviews require the fee to be paid prior to the issuance of a planning clearance. For the purpose of this Section (5-4-6) only, new development shall include construction of a principal structure or an addition to a principal structure where the addition constitutes thirty five percent (35%) or more of the existing floor area of the structure.

B. The fees required by 5-4-6A shall be as follows:

1. All residential uses: \$225 per dwelling unit. City Council may, by resolution, increase, decrease or otherwise modify this fee.
2. All business/commercial/industrial uses: five percent (5%) of the fair market value of the unimproved land. The fair market value shall be determined, at the developer's expense, by an accredited real estate appraiser not otherwise involved in the development.
3. All uses in the Use/Zone Matrix (Section 4-3-4) which are classed under the general categories of Community Facilities - Public and Private and Human Care/Treatment Facilities, which are non-profit uses, shall not be charged a fee. All other uses in these categories shall be charged two and one-half percent (2.5%) of fair market value of unimproved property as determined in paragraph B.2 above. Proof of non-profit status shall be required.

C. Fees shall be paid at the time the plat is recorded, a building permit for construction of the first improvement on the property is issued, or commencement of use whichever comes first.

D. Private open spaces or recreational areas in planned developments shall not be a substitute for the required fee or dedication.

E. The City Council may, after recommendation by the Planning Commission, waive or defer the provisions of this Section (5-4-6). In considering such a waiver or deferment, the City Council shall use the criteria established in Section 10-1-1B.2. The City Council may accept the dedication of public land(s), park(s), and/or open space(s) in-lieu of payment. The fair market value of dedicated land(s) shall not be less than the payment that would be required under B above. In addition, the developer shall dedicate such public site(s), trail(s), riverfront greenbelt(s), park(s), and/or open space(s) as designated on the officially adopted Master Plan of the City.

F. In instances where parks/open space fees were collected for a previous development review process, as specified under Sections 5-4-6A., a credit to the amount paid shall be granted when a site is subject to subsequent parks/open space fees.

5-4-6.5 STANDARD FOR SCHOOL LAND DEDICATION - Dedication of Suitable School Lands for school purposes shall be required of any development if the School District determines that such development includes within it land which is necessary for implementing a school plan. In all other cases, the fee required under section 5-4-6.5 shall be paid in lieu of a school land dedication.

A. Standard for Fee in Lieu of School Land Dedication

Except in cases where a school land dedication is required in accordance with section 5-4-6.5 above or is permitted under subsection 5-4-6.5 (A) (3) below, or an exemption under subsection 5-4-6.5 (A) (2) applies, all Residential Developments or Mixed Use Developments containing a Residential Development component shall be subject to fees in lieu of school land dedication (SLD Fee) in an amount per Dwelling Unit determined by resolution of the City Council. SLD Fees shall be collected by the City for the exclusive use and benefit of the School District in which such development is located, and shall be expended by the School District solely to acquire real property or interests in real property reasonably needed for development or expansion of school sites and facilities, or to reimburse the School District for sums expended to acquire such property or interests. Revenues from such fees shall be used only for such purposes.

B. Payment of SLD Fee

1. Payment of SLD Fee

- a. No building permit shall be issued for a Dwelling, Multiple-Family Dwelling or Multi-Family Dwelling which is or contains one or more Dwelling Units until and unless the SLD Fee for such Dwelling Unit(s) in effect at the time such permit is applied for has been paid as required by this section. No SLD Fee shall be required or collected under this section with respect to any Dwelling Unit(s) for which a building permit has been issued or for which a building permit application is pending as of the effective date of this section.
- b. Nothing in part (a) of this subsection shall preclude a holder of a Development Permit for a Residential Development or Mixed Use Development containing a Residential Development component from prepaying the SLD Fees to become due under this section for one or more Dwellings, Multiple-Family Dwellings or Multi-Family Dwellings to be constructed in such Development. Such prepayment shall be made upon the filing of a final plat for a platted or unplatted Residential Development, at the SLD Fee rate then in effect and in the amount which would have been due had a building permit application for such dwelling(s) been pending at the time of prepayment. A subsequent building permit for a Dwelling, Multiple-Family Dwelling or Multi-Family Dwelling which is or contains one or more Dwelling Units for which the SLD Fees have been prepaid shall be issued without payment of any additional SLD Fees.

However, if such permit would allow additional Dwelling Units for which SLD Fees have not been prepaid, such permit shall not be issued until the SLD Fees for such additional Dwelling Units have been paid at the rate per Dwelling Unit in effect at the time the building permit application was made.

- c. Any prepayment of SLD Fees in accordance with part (b) of this subsection shall be documented by a Memorandum of Prepayment which shall contain, at minimum, the following:
 - 1) The legal description of the real property subject to Residential Development for which an SLD Fee is being prepaid.
 - 2) A description of the development permit issued concerning such real property, and a detailed statement of the SLD Fees owed pursuant to such permit which are being prepaid.
 - 3) The notarized signatures of the record owner(s) of the property or their duly authorized agents.
 - 4) The notarized signature: of the County Manager or his or her designee, indicating approval of the prepayment plan, if the fee was paid while the real property was outside the limits of the City; or if the fee was paid at the time the real property was within the limits of the City, of the City Manager or his or her designee, indicating approval of the prepayment plan.
2. Exemptions - The following shall be exempted from payment of the SLD Fee:
 - a. Alterations or expansion of an existing building except where the use is changed from non-residential to residential and except where additional Dwelling Units result.
 - b. The construction of accessory buildings or structures.
 - c. The replacement of a destroyed or partially destroyed building or structure with a new building or structure of the same size and use.
 - d. The installation of a replacement mobile home on a lot or other parcel when a fee in lieu of land dedication for such mobile home has previously been paid pursuant to this section or where a residential mobile home legally existed on such site on or before the effective date of this section.

- e. Non-residential buildings, non-residential structures, or non-residential mobile homes.
- f. Nursing homes, Adult Foster Care Facilities or Specialized Group Facilities.
- g. City or County approved planned Residential Developments that are subject to recorded covenants restricting the age of the residents of said Dwelling Units such that the Dwelling Units may be classified as "housing for older persons" pursuant to the Federal Fair Housing Amendments Act of 1988.

3. Credits

- a. An applicant for a development permit (or a holder of such a permit) who owns other Suitable School Lands within the School District in which the development is located may offer to convey such lands to the School District in exchange for credit against all or a portion of the SLD Fees otherwise due or to become due. The offer must be in writing, specifically request credit against fees in lieu of school land dedication, and set forth the amount of credit requested. If the City and the School District accept such offer, the credit shall be in the amount of the value of the Suitable School Lands conveyed, as determined by written agreement between the City, the School District and the permit holder or applicant.
- b. Credit against SLD Fees otherwise due or to become due will not be provided until good and sufficient title to the property offered under this subsection is conveyed to and accepted by the School District. Upon such conveyance, the School District and the City shall provide the applicant with a letter or certificate setting forth the dollar amount of the credit, the reason for the credit, and a description of the project or development to which the credit shall be applied.
- c. Credits shall not be transferable from one project or development to another.

4. Refund of Fees Paid

- a. Any SLD Fee which has not been expended by the School District within five (5) years of the date of collection shall be refunded, with interest at the rate of five (5) percent per annum compounded annually, to the person who paid the fee. Prior to such refund, such amount shall be reduced by an amount equal to three percent (3%) of the principal amount to be refunded, for the costs incurred by the City in the refund of such fee. The City shall give written notice by first class mail to the person who paid the fee at his or her address as reflected in the records of the Mesa County Clerk and Recorder. If such person does not file a

written claim for such refund with the City within ninety (90) days of the mailing of such notice, such refund shall be forfeited and shall be retained and used for the purposes set forth in this section 5-4-6.5(B).

- b. City Council may, upon the School District's request, extend the five (5) year period of time specified in part (a) of this subsection above upon a showing that such extension is reasonably necessary in order for the School District to complete or close a purchase transaction entered into in writing by such district prior to expiration of such period, or to give the School District an opportunity to exercise a purchase option it acquired prior to expiration of such period. Such request shall be made at a public hearing of the City Council. In no event shall any extension of time exceed an additional five (5) year period.

5-4-6.6 FEES IN LIEU OF SCHOOL LAND DEDICATION (SLD FEES)

- A. SLD Fees shall be collected and held in trust for the use and benefit of the School District containing the Residential Development for which the fee is collected. Such fees shall be expended by the School District to acquire additional real property for expansion of school facilities and construction of new school facilities necessitated by new Residential Development in the School District, or to reimburse the School District for sums expended to acquire such property. The amount of the SLD Fee shall be based on a methodology which takes into account the student generation rates of new Residential Development, the quantity of land required to build new school facilities on a per pupil basis, and the anticipated cost of acquiring suitable school lands in the School District to expand existing school facilities and construct new school facilities to accommodate new Residential Development without decreasing current levels of educational services.
- B. At the time SLD Fees are initially adopted and once every five (5) years thereafter, the City Council shall determine the average cost per acre of Suitable School Lands, after a public hearing. The City shall give the School District sixty (60) days prior written notice of the hearing. Such hearing shall consider the School District's long range capital improvement plans and any other evidence, comments or recommendations submitted by the School District and the public in making such determination.
- C. The SLD Fee shall then be set, by resolution of the City Council, in accordance with the following formula:

Cost per Acre of Suitable School Lands within the School District	X	Student Generation Fee Factor of .023	=	SLD Fee Per Dwelling Unit
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(For example, if the average cost of Suitable School Lands is \$15,000 per acre, the SLD Fee per Dwelling Unit would be \$15,000 x .023, or \$345.)

The student generation fee factor may also be modified at the hearing, provided that either the School District gives notice to the City Council that it requests such a modification at least thirty (30) days prior to the hearing, or the City Council adopts a motion providing for consideration of a modification of said fee factor and its hearing notice to the School District pursuant to this subsection so states. Said hearing shall consider the School District's school facilities plan currently in place, the methodology and data supporting the proposed modification, and any evidence, comments or recommendations submitted by the County Planning Department, the City's Community Development Department, the School District and interested members of the public.

5-4-7 CAMPGROUNDS

A. Public Recreational Campgrounds shall meet all of 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 (8') in width.
3. No person shall stay in any campground more than ninety (90) days per calendar year. Extensions for one additional ninety-day (90) period may be granted by the Administrator 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 (1,250) square feet and at least twenty-five feet (25') in width.
6. Campsites shall be spaced so that there is at least: ten feet (10') between sites; eight (8) feet from the interior roadways; fifty feet (50') from exterior roadways; and fifteen (15) feet from property lines.
7. Parking spaces and interior roadways shall be paved or treated to reduce dust.
8. Sewage facilities shall be connected to a public sewer collection and treatment system.
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.

11. Interior roadways must comply with Colorado Department of Health standards in addition to the requirements of this Code.
 12. Walkways within the campground area shall be at least four feet (4') wide with an all-weather surface.
 13. Streets and walks shall be lighted every four hundred feet (400'), 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 spaces, and shall be located in close proximity to those spaces.
 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 (10) spaces, plus one machine per each additional fifteen (15) spaces. One clothes dryer shall be provided per each twenty (20) spaces. These requirements may be waived by the Administrator if adequate facilities exist in the surrounding area.
 2. Each campground shall provide a recreational area consisting of one hundred and five (105) square feet per campground space.
 3. Adjoining residential areas shall be screened by a six foot (6') 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 of the on-site mineral resources. This estimate shall be prepared by a registered engineer and submitted prior to approval of development. The City Council will make an evaluation of the value of both the resource and the cost of extraction prior to development of the property. The City Council 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:

- A. No excavating, drilling, or processing shall occur closer than thirty feet (30') to any abutting property line and shall be operated and designed so as to minimize impacts on any existing residence in the area.
- B. Applicants for any extractive use permit shall comply with all City and State requirements.
- C. Access to extractive use operations shall require approval by the City Engineer.
- D. On-site 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. Site restoration conditions and measures shall be determined prior to permit issuance. Restoration shall be accomplished in accordance with the approved plan.

Conditions which may affect the type of restoration required are:

- 1. The degree of 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 haul roads within the site shall be maintained in compliance with State Air Quality Standards.

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. No improvements shall be made until required plans, profiles and specifications have been submitted to, and approved by, the City.

- 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, including telephone, cable t.v., electric and gas services shall be provided by, and paid for, by the developer. 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 if deemed necessary by the City Engineer.
- G. Other improvements and/or facilities as may be required by the applicable approval process.
- H. Permanent reference monuments and monument boxes, in accordance with C.R.S. 38-51-101.

5-4-11 GUARANTEE OF PUBLIC IMPROVEMENTS - No development shall be approved until the developer has submitted, and the City has approved, 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, if converted to cash, less the costs of such conversion, shall be sufficient to pay 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 final approval, the City Council may authorize the release of all or a portion of the guarantee or collateral (Section 5-4-12B.2). If the City Council determines that any of the improvements are not constructed in compliance with approved specifications and/or requirements, it shall furnish the developer with a list of specific deficiencies and shall withhold collateral sufficient to ensure compliance. If the City Council has reasonable grounds to determine that the developer can not, or will not,

construct any or all of the improvements in accordance with all of the specifications and/or requirements, the City Council may draw on the collateral or 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 each 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. Once construction, inspection, and approval of all or a portion of the required improvements has been completed, 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 of at least one year following the acceptance for maintenance.
4. In the event that required improvements are determined to have defects or deficiencies, the developer shall correct such defects or deficiencies before final acceptance; in which case, final acceptance may be extended for one additional year.

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 Section 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 City Council, 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 a 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 Section 5-4-12A.3, the developer may request a Certificate of Completion and Release of Responsibility from the appropriate agency.

5-4-13 FLEA MARKETS - All flea markets shall meet the following standards (see Definitions and Use/Zone Matrix).

- A. No booths, stalls, or other display areas shall be placed or maintained within any required setback area; and
- B. Off-street parking shall be provided at one and one-half spaces (1-1/2) per booth/stall within a designated parking area, meeting standards of Section 5-5; and
- C. Sanitary facilities shall be provided on site; and
- D. All items for sale shall be stored indoors (or within an approved screened storage area) or removed from the site at the close of each business day. Flea markets shall not be open for business in excess of 16 hours per day; and
- E. No storage of items other than those available for retail sale may be stored on the premises unless confined within an approved screened storage area; and
- F. The owner or operator of an existing flea market shall comply with all City regulations on or before October 1, 1989.

1. Deciduous trees: One and one-half inch (1-1/2") caliper (measured one foot above ground level).
 2. Evergreen trees: Six feet (6') tall (measured from ground level).
 3. Shrubs: Five-gallon (5) size.
- C. Plantings should be from the list of approved plants provided by the Department unless otherwise approved by the Administrator.
- D. An underground, pressurized irrigation system will be required for all landscaped areas.
- E. Installed landscaping shall comply with the approved site plan. Landscaping changes subsequent to an approved site plan shall require an amendment submitted for approval by the Administrator. Appeals regarding the review of site plans and amendments shall be forwarded to the Board of Appeals for hearing and determination.
- F. All landscaping shall be maintained in a healthy condition. Plants which die or are unhealthy shall be replaced.
- G. Landscaping in the Right-of-way: A property owner is required to landscape the entire area within the public right-of-way and may, with the written approval of the Administrator, place up to fifteen percent (15%) of the required landscaping for the parcel (except for required parking lot landscaping) in the right-of-way to satisfy this requirement. The Administrator shall deny approval of a request to install required landscaping in the right-of-way if the City anticipates road widening and/or other improvements in the right-of-way. The Administrator shall be guided by the advise of the Director of Public Works and capital improvements plans in making this determination.
- H. Street Trees: One (1) street tree shall be provided for every forty (40) feet of street frontage where none presently exist. Wherever practical, street trees shall be located between the sidewalk and street and shall be irrigated by a pressurized, underground irrigation system.

5-4-16 VARIANCES OF THIS SECTION (5-4) - The City Council may, after study and recommendation by the Planning Commission, authorize variances from the provisions of Section 5-4 where:

- A. There are exceptional topographic, soil, or other subsurface conditions, or other conditions peculiar to the site (e.g. viaducts, bridges and bluffs); and
- B. An undue hardship would be created by the strict application of the provisions of this section; and

- C. Such hardship is not created by an action of the applicant; and
- D. Such variance would not be detrimental to the public welfare or impair the intent and purpose of this section.

5-4-17 CHURCHES IN RESIDENTIAL ZONE DISTRICTS

Purpose - This section sets minimum standards for churches in residential zones for new construction and expansions of, or changes to, existing uses. These requirements shall apply at the time of the site plan review process.

For purposes of this section, maximum seating capacity shall be based upon the seating capacity in the largest assembly area of the principal structure. Calculation of maximum seating capacity shall include the rostrum, choir seats, fixed seating and overflow seating area(s). Seating capacity assumes one person per chair or other type of seat or one person per eighteen (18) lineal inches of pew space. (See Section 5-5 for parking requirement.)

A. Special Use Permits Required

1. Churches with a maximum seating capacity of up to 300 and churches with a maximum seating capacity of 301 to 600 which are located on a parcel or lot abutting a Principal or Minor Arterial or Collector street, as identified on the City's Streets Classification Map, are allowed uses in all residential zone districts.
2. Churches with a maximum seating capacity of 301 to 600 require a Special Use Permit if not located on a parcel or lot abutting a Principal or Minor Arterial, or Collector street, as identified on the City's Streets Classification Map.
3. Churches with a maximum seating capacity greater than 600 require a Special Use Permit in all residential zone districts.
4. Notwithstanding 1 through 3 above, churches in Planned Residential zones must comply with the provisions of Chapter 7, Planned Developments and any and all requirements of general applicability as specified in the Zoning and Development Code.
5. Notwithstanding 1 through 4 above, Churches in Airport Critical Zones or Clear Zones must comply with Section 5-11, Land Use Regulation for Land Around Airports and any and all requirements of general applicability as specified in the Zoning and Development Code.

B. Churches in all residential zones shall comply with the following development standards:

1. Parking shall not be allowed in the required front yard setback.
2. The front yard setback shall be landscaped in accordance with Section 5-4-15. This area shall be counted towards the percentage of gross land area to be landscaped in multi-family zones.
3. A minimum fifteen (15) foot side yard setback, or as required in the zone district, whichever is greater, shall be required for the principal structure. A minimum five (5) foot side yard setback, or as required in the zone district, whichever is greater, shall be required for accessory structures on the rear half of the parcel.
4. Where parking lots containing fewer than 51 spaces extend into required side and rear yard setbacks abutting a residential use or zone, a minimum five (5) foot wide landscaped area shall be provided along the property line or other appropriate location to minimize glare from lights associated with parking areas onto abutting properties. This area shall be landscaped as follows:
 - a. at least one (1) tree for each forty (40) linear feet or fraction thereof.
 - b. at least forty (40) percent of the landscaped area shall contain shrubs in accordance with the requirements of Section 5-4-15.
5. Parking lots containing more than fifty (50) spaces shall comply with Section 5-5-1F.2.
6. Required side and rear yard setbacks adjacent to a property line abutting a residential use or zone, where such setbacks are not encroached upon by a parking lot, shall be landscaped in accordance with Section 5-4-15.
7. All trash containers shall be screened by a six (6) foot high sight obscuring fence or wall.
8. Churches shall comply with all other applicable requirements of the Zoning and Development Code, the Code of Ordinances and any and all other regulations that may apply. Requirements of Section 5-4-17 B may be exceeded for churches requiring Special Use Permits and churches in Planned Residential zones.

5-5 PARKING AND LOADING STANDARDS

5-5-1 OFF-STREET PARKING

- A. Purpose - This section sets minimum standards for off-street requirements for new construction and expansions of or changes to existing uses. Off-street parking requirements shall be established at the time of the site plan review process.
- B. Uses Not Identified - The Administrator shall determine the parking requirement for uses which do not correspond to the categories listed in sub-section 5-5-1 H. In such instances, the applicant shall provide adequate information by which the proposal can be reviewed, which includes but may not necessarily be limited to the following:
1. type of use;
 2. number of employees;
 3. building design capacity;
 4. square feet of sales area, service area, etc.;
 5. parking spaces proposed on-site;
 6. parking spaces provided elsewhere; and
 7. hours of operation.
- C. Multiple Uses - In those instances where there are clearly identified accessory or 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, except as provided in section D., Shared Parking Facilities.
- D. Shared Parking Facilities - Off-street parking requirements of a given use may be met with off-site, off-street parking facilities of another use when and if, all of the following conditions are met:
1. The off-site, off-street parking facilities are within 200 feet of the property (may be up to 500 feet if proposed for employee use); and
 2. The parking demands of the individual uses, as determined by the Administrator based upon parking demand information supplied by the applicant or other sources, are such that the total parking demand of all the uses at any one time is less than the total parking stalls required; and

3. A written agreement between the owners and lessees is executed for a minimum of twenty years, approved by the Administrator, recorded, and a copy maintained in the project file. Should the lease expire or otherwise terminate, the use for which the leased parking was provided shall be considered nonconforming. Any and all approvals, including Special or Conditional Use permits, shall be subject to revocation and continuation, expansion or addition to or of the use shall be prohibited unless the use is brought into compliance with the parking regulations of this Code.
- E. Location - The parking area shall be provided on the same parcel as the principal structure wherever practicable. In business, commercial and industrial districts, the parking may be up to two hundred feet (200') from the property, but must be located within a zone district allowing business, commercial or industrial parking. Parking spaces for residential uses in residential zones shall not be in a front yard setback except in the case of parking for single family structures (see Section 5-1-2).
- F. Parking Lot Landscaping and Lighting - The minimum landscaping requirements of this section are intended to alleviate adverse visual and environmental effects associated with parking facilities including climate modification. The application of these standards will serve to improve compatibility and the attractiveness of such facilities, provide relief from unshaded paved areas, and minimize glare and lights associated with parking areas. In addition, these requirements will improve pedestrian safety, and optimize traffic circulation patterns with better defined space. The use of native planting materials and xeriscape landscaping is encouraged.
1. When a parking facility provides parking spaces for more than fifteen (15) cars but less than fifty-one (51) cars, at least five percent (5%) of the total area of the parking lot shall be used for landscaping. Part of this area may be required to include shade trees.
 2. The requirements of this section apply to all developments and uses which are required to provide surface parking facilities for more than fifty (50) cars and parking lots of fifty spaces or greater as allowed by Code. In case of redevelopment or partial expansion of a use, the provisions of Section 4-9 apply. The requirements of this section are in addition to other landscaping requirements in a particular zoning district, including Section 5-4-15G(1)&(2).
 - a. Street Frontage Landscaping: Landscaping shall include one (1) tree for each fifty (50) linear feet of frontage or fraction thereof. Required trees shall be placed between the abutting street right-of-way and the parking lot area and shall be planted in a planting area of at least twenty-five (25) square feet with a minimum depth of at least ten (10) feet. A landscape barrier to shield the parking lot from the street not to exceed three and one-half (3 ½) feet at maturity but at least two and one-half (2 ½) feet at the time of planting shall be

placed along but not in the right-of-way. The height of the landscape barrier can be achieved either with plantings and/or berming.

- b. Parking Area Perimeter Landscaping: The perimeter of parking areas abutting residential or commercial properties shall provide, at a minimum, a five foot landscaped strip, but no less than the required setback. All required landscape areas on the perimeter of a parking lot shall contain a least one (1) tree for each forty (40) linear feet or fraction thereof. At least forty (40%) of the landscaped area shall contain shrubs at full maturity as recognized by horticultural and landscape standards.

- c. Parking Area Interior Landscaping:
 - (1) Parking areas shall provide a minimum of five (5) percent of net interior area as landscaping. The interior area of a parking facility is defined as the perimeter of the curbs or the edge of paving. One (1) tree shall be provided for each 100 square feet or fraction thereof of required landscaped area. Such landscaped areas shall be located and designed in such a manner as to break up the expanse of paving and better define parking lot circulation. Where possible, existing large trees shall be maintained. Such required interior landscaping shall be in addition to required perimeter and street frontage landscaping as set forth in a. and b. above.
 - (2) All landscaped areas shall be protected from vehicular encroachment by curbing as per City standards. Planting islands shall be wide enough to protect against trees and vegetation against bumper overhang and swinging doors. A two and one-half (2 ½) foot paved overhang shall be provided on planting islands where vehicle or door overhang is anticipated. Paving materials to be used for overhang areas are limited to concrete or paver blocks; asphalt paving is not permitted.
 - (3) Planting islands which parallel parking spaces shall be a minimum of 9 feet wide.
 - (4) Planting islands between parking rows shall be a minimum of 10 feet wide.
 - (5) Planting islands shall be provided at the end of all parking rows.
 - (6) One (1) landscaped divider island designed to prevent high-speed diagonal movement and located parallel with parking islands shall be provided for no greater than every three parking aisles. The landscape divider shall have a minimum width of ten feet.

- (7) One (1) landscaped island encompassing the area of one (1) parking space shall be provided for every 20 parking spaces in rows which contain greater than 20 spaces. The landscaped island shall be located within the row of spaces to break up the expanse of paved area.
- (8) In instances where the strict interpretation of this section will seriously limit the function of the parking area or the use, the Administrator may permit a portion of the required landscaping to be located near the perimeter of the lot, or allow such other variation of the parking requirements or landscaping requirements as he deems reasonable.
- d. Percentage in Living Materials: Unless otherwise specified, any required landscape area shall consist of a minimum of seventy-five percent (75%) in ground covering by living grass or other plant material (e.g. shrubs) at full maturity as recognized by horticultural and landscape standards. The foliage crown of trees shall not be used in the 75% or other required percentage calculation. The remaining twenty-five percent (25%) of the required landscape area may be covered with bark, wood chips, rock, stone or similar materials.
- e. Use of Landscape Paving Materials: Pedestrian crossing areas in parking lots (especially near building areas) shall be constructed of surface pavers, such as brick, stone blocks, interlocking brick pavers, stamped concrete or other materials as may be approved by the Administrator which form a smooth surface but contrast with asphalt.
- f. Irrigation of Parking Area Landscaping: All street frontage, perimeter and interior parking area landscaping shall be provided with a pressurized, underground irrigation system.
- g. Responsibility of Maintenance: The maintenance of all required landscaping, whether located on the property in question or on adjoining right-of-way shall be the responsibility of the property owner. The property owner is responsible for obtaining required permits for the location of landscaping in a public right of way.
- h. Submittal Requirements: A Landscape Plan shall be submitted in conformance to the standards in the Submittal Standards for Improvements and Development (SSID) Manual. All plantings must meet the minimum size requirements in Section 15-4-15B.
- I. Parking Lot Lighting Requirements: Adequate lighting shall be provided for surface parking facilities used at night. Lighting shall be installed and maintained in a manner not to cause glare or reflection into abutting or facing

properties, nor to interfere with the safe operation of vehicles moving on or near the site.

- (1) Illumination Requirements: The minimum required lighting intensity to be provided in all parking areas is 0.6 footcandle. High activity areas such as near building entrances and pedestrian corridors shall be provided with a greater lighting intensity as may be required by the Administrator.
- (2) Lighting Height - Maximum: The maximum height of required lighting is twenty-five (25) feet. Lighting located near buildings and adjacent to sidewalks shall be provided with lower, pedestrian scale lighting not to exceed twelve (12) feet in height.
- (3) Lighting Location: Parking area lighting shall, where possible, be located in landscaped areas.
- (4) Submittal Requirements: A Lighting Plan shall be submitted which details the location and specifications of all lighting provided. An isofootcandle diagram shall also be provided to indicate the level and extent of proposed lighting.

G. Screening - Screening is required along each side of a parking lot that is used for non-residential purposes which abuts a residential zone or use. The screening shall consist of fencing and/or plantings six feet (6') in height which effectively visually block the parking area year-round, except as limited by Sections 5-2-5 and 5-3-2.

H. The following are the minimum requirements for parking spaces in connection with the structures and uses indicated. 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

MINIMUM PARKING REQUIREMENTS

- | | |
|--|---|
| 1. All structures except single family, duplex, triplex, and four-plex residential | Bicycle rack(s) sufficient to hold three bicycles or the number of bicycles equal to ten percent of the required off-street parking spaces for the use, whichever is greater |
| 2. Residential | For all single family, duplex, triplex and four-plex residential structures: two spaces per dwelling unit

For all multifamily dwelling units having five or more dwelling units per structure: one and one-half spaces per dwelling unit, plus one additional space per every five spaces for recreation vehicles and/or visitor parking |
| 3. Theaters | One space per each four seats (designed seating capacity) |
| 4. Bowling Alleys | Four spaces per lane |
| 5. Elementary and Junior High Schools | Two spaces per classroom |
| 6. High Schools | One space per each four persons (design capacity) |
| 7. Day Care & Nursery Schools | One and one-half spaces per employee. Adequate drop-off/pick-up area must be provided |
| 8. Vocational/Trade Schools | One space per two students based on design capacity of the building(s) plus one space for each teacher or other employee |
| 9. College or University | One space for every employee and staff member plus one space for every three full-time students not residing on campus (in addition to dormitory/fraternity/sorority parking requirements - see item 18 below) |

- 10. Hospitals One space per each two beds (excluding bassinets), plus one space per employee on the largest shift, plus one space per hospital vehicle
- 11. Residential Receiving Homes / Care Facilities / Orphanages / Sanitariums One space per each four beds plus one space per employee on the largest shift (includes visitor parking)
- 12. Elderly or Disabled Persons Housing
 - a. Dependent One space per each four beds plus one space per employee on the largest shift (includes visitor parking)
 - b. Semi-independent One-half space per unit, plus one space per employee on the largest shift, plus one space for every five spaces for visitor parking
 - c. Independent One and one-half spaces per unit, plus one space for every five spaces for recreational vehicle and/or visitor parking
- 13. Hotels One space per rental unit, plus 75 percent of the requirement for other uses associated with the facility (e.g. eating establishments, bars, and meeting rooms)
- 14. Motels One space per unit
- 15. Meeting/Conference Rooms One space per each three seats (design capacity)
- 16. Boarding Houses One space per unit plus one space per owner/manager
- 17. Clubs/Lodges/Churches One space per each three persons (design capacity)
- 18. Dormitories/Fraternities/Sororities .. One space per each two beds
- 19. Offices One space per three hundred square feet of gross floor area, plus one space for each office-owned/leased vehicle

- 20. Medical/Dental Offices Four spaces for each doctor or dentist on duty during the busiest shift
- 21. Restaurants One space per each three seats (designed seating capacity)
- 22. Eating Establishments with No Seating One space per 60 square feet of gross floor area with a minimum of 10 spaces
- 23. Bars/Nightclubs One space per each two persons (design capacity)
- 24. Mortuaries One space per each five persons (designed seating capacity)
- 25. Libraries, Museums, Art Galleries and Similar Uses One space per 1,000 square feet of gross floor area
- 26. General Retail Sales One space per each 200 gross square feet sales area (includes employee parking)
- 27. Showroom Sales One and one-half spaces per 1,000 gross square feet (includes employee parking)
(e.g., furniture/appliance)
- 28. Plant Nurseries or Greenhouses One space per 1,000 gross square feet of indoor display, retail and greenhouse area open to the public
- 29. Service/Repair Business One space per each 300 square feet of gross floor area (includes employee parking)
(e.g., animal hospitals, dry cleaners, and small item repair shops)
- 30. Laundromats One space for each three washing or drying machines, whichever is greater
- 31. Beauty/Barber Shops Three spaces per operator station (includes employee parking)

- 32. Vehicle Sales Parking equal in area to ten percent of the gross display area
(e.g., automobile dealerships, used car sales and recreational vehicle sales)

- 33. Automobile Care Establishments
 - a. Oil, Lube and Muffler Shops and Tire Sales/Mounting One space per employee on the largest shift, plus two per service bay (service bay is not a parking space)

 - b. Automobile Service or Repair Station One space per employee on the largest shift, plus two spaces per service bay, plus one space for each vehicle used in operation of the use (service bay or pumping area is not a parking space)

 - c. Car Wash, Full Serve One space per employee, plus one drying space per washing stall, plus two stacking spaces per washing stall (washing bay is not a parking space)

 - d. Car Wash, Self Serve Two stacking spaces for each washing stall and one drying space for each washing stall (washing bay is not a parking space)

- 34. Wholesale Business One space per employee on the largest shift, plus ten percent of total employee stalls for visitor parking, plus one space for each vehicle used in operation of the business

- 35. Warehousing One space per employee on the largest shift, plus one space for each vehicle used in operation of the business

- 36. Industrial/Manufacturing One space per employee on the largest shift, plus ten percent of total employee stalls for visitor parking, plus one space for each vehicle used in operation of the business

37. All Uses in Downtown Area
(see Chapter 12, Definitions
and Limitations)

Reuse, Remodel of Existing Structure
within Existing Building Envelope No requirement

New Construction Replacing and
Entirely within Building Envelope
which Existed as of September 30,
1991 No requirement

Addition to Existing Structure
Outside of Existing Building
Envelope and Other New
Construction Per Land Use list in 1 through 36 above for the
added or new square footage only; must provide
spaces within 500 feet (*).

* NOTE: Any permanent, existing public or private parking which is available within 500 feet of the proposed construction may be counted towards the total parking requirement. Unless the Administrator determines that he has sufficient parking data, the applicant shall, at the time of application, collect parking data and survey information sufficient for the Administrator to determine if off-site parking is "available".

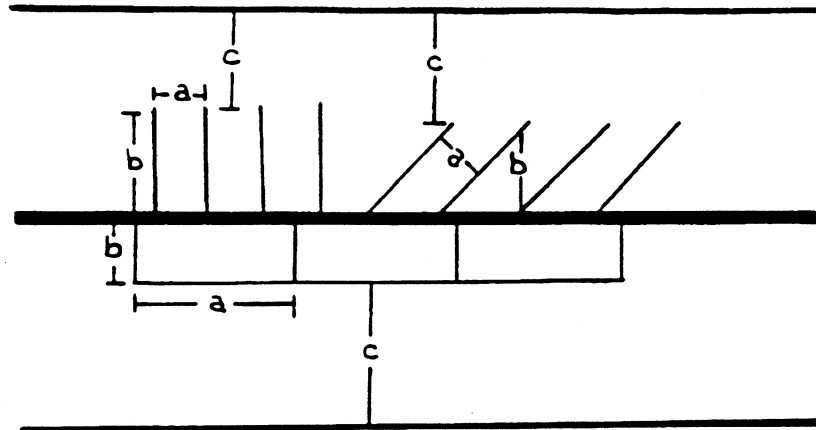
I. Variations - In unusual circumstances, the standard parking requirement may not be appropriate. The Administrator shall have the authority to vary the parking requirement, either upward or downward, if one or more of the following circumstances exists:

1. Expected automobile ownership or use patterns of employees, tenants, or other users varies from what is typical in the community or typical for the use.
2. The parking demand varies throughout the day in relation to parking supply.
3. The nature of operational aspects of the use warrants unique parking arrangements.
4. Actual parking practice in the community demonstrates that the parking standard may be too high or too low.

J. Appeals - The Board of Appeals may, after reviewing the appeal of an administrative decision or the standards of this section, according to the criteria listed in section 5-5-1 I., authorize variances from the provisions of Section 5-5-1.

K. Parking Stall and Aisle Dimensions (see Figure F5-5-1K)

<u>PARKING ANGLE</u>	A	B	C
	<u>STALL WIDTH IN FEET</u>	<u>STALL LENGTH IN FEET</u>	<u>AISLE WIDTH IN FEET</u>
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	21.0	13.0
	9.0	21.0	12.0
	9.5	21.0	11.0
60°	8.5	21.0	18.0
	9.0	21.0	16.0
	9.5	21.0	15.0
75°	8.5	19.5	25.0
	9.0	19.5	23.0
	9.5	19.5	22.0
90°	8.5	18.5	28.0
	9.0	18.5	25.0
	9.5	18.5	24.0



(Figure F5-5-1K) PARKING STALL AND AISLE DIMENSIONS

- L. One off-street parking space per dwelling unit behind the required front yard setback, for one commercial vehicle not to exceed two (2) tons carrying capacity, may be allowed in a residential zone.
- M. In all zones other than single family, parking areas to be 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

The applicant shall submit to the Administrator those materials as listed in the SSID Manual.

5-6-1 DRAINAGE FEE IN LIEU OF PROVIDING DRAINAGE DETENTION/RETENTION FACILITIES

- A. All proposed development must provide for on-site runoff collection and conveyance in accordance with City adopted policies. However, an option to providing detention/retention and metered outlet facilities may be allowed by the Director of Public Works and Utilities (Director), or his designee, if:
1. the site runoff to private property will not increase, due to development; and
 2. the Director, or his designee, determines that off-site public streets or other public drainage conveyance facilities are adequate to receive and convey additional runoff from the proposed development site without adversely impacting the public's facilities, interest, health, or safety.

Generally, options will be restricted to proposed developments which are 5 acres or less for all phases and/or filings. There may be circumstances, however, where the Director or his designee, may allow an option for larger sites if they are located low in a watershed basin or adjacent to major outfall facilities.

- B. The Director, or his designee, shall require submittal of certain information on the part of the developer in order to determine if the drainage fee option is allowed or if construction of drainage detention/retention facilities is required. Such information may include but is not necessarily limited to the type and percent of impervious surfaces, measurements of property including elevations, distance to conveyance structure(s), type of conveyance structure(s), availability of regional detention facilities, flood control structures and location of the development within the watershed.
- C. Upon written approval from the Director, or his designee, the developer shall be given the option of paying a drainage fee in lieu of providing drainage detention/retention and metering facilities.
- D. Developer selection of the drainage fee option, when allowed, does not waive the requirements for:
1. providing an on-site grading and drainage plan; and
 2. Construction of on-site collection and conveyance facilities and providing drainage calculations as required therefor. However, payment of the drainage fee, when

approved by the Director or his designee, shall constitute compliance with City policy regarding development related increased runoff.

E. The drainage fee shall be determined by application of the following formula:

$$\text{Drainage Fee (\$)} = 10,000(C_{100d} - C_{100h})A^7$$

where C_{100} = 100 year Rational Method composite runoff coefficient per the City Stormwater Management Manual, with subscripts "d" and "h" pertaining to the proposed developed and current existing or historic conditions, respectively; and

A = Area to be developed in acres.

F. Drainage fees shall be paid to the City and will be allocated for the construction of drainage facilities at locations, determined by the City, in its sole and absolute discretion, to be of greatest priority. Fees shall be paid prior to the recording of residential plats, or prior to issuance of planning clearance for all other development.

G. The City may, from time to time, by resolution of the City Council, change the method or formula of calculating the drainage fee, based upon projections, estimates or opinions of the Director of Public Works or his designee, of the need for additional specific facilities, and/or upon the need of the drainage system.

5-7 SIGN REGULATION

5-7-1 PURPOSE AND SCOPE - The purpose of this regulation is to govern 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, words, 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. Contain or consist of portable signs, tent signs, or strings of light bulbs not permanently mounted on a rigid background;
- E. Are erected after adoption of this Code and do not comply with the provisions of this regulation; or
- F. 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 (7) revolutions per minute. Such rotating signs 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.

5-7-3 EXEMPTIONS - The following signs are exempt from all the provisions of this Code, except as otherwise required by construction or safety regulations, or the following requirements:

- A. Public Signs: Signs of a non-commercial nature, erected by, or on 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 which set forth only the name of a public, charitable, educational or religious institution, located entirely upon the premises of that institution, and which do not exceed an area of twenty-four (24) square feet per street frontage. If mounted on a building, 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 (6) 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 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 (3) 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 (2) 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 (16) 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 (6) square feet may be erected as participation in a public parade, event, or celebration for a period not to exceed ten (10) days.
- I. Menu signs at drive-in restaurants which are not readable from the nearest public right-of-way; and 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 (1 ½) square feet per sign.
- K. Non-Profit Organization Fund Raising Campaign Signs (temporary): Temporary signs not in excess of thirty-two (32) square feet advertising non-profit organization fundraising campaigns may be erected for campaign purposes in non-residential zone districts only. The number of campaign signs per parcel is limited to one(1). such signs may not be placed in the public right-of-way and are required to be removed within 7 days after the fund drive has ended. A campaign sign may not be in place more than 90 consecutive days in any 12 month period.

5-7-4 TEMPORARY SIGNS - The following on-premise temporary signs shall be allowed in all zones and shall not require a permit, except as provided for in this section.

- A. A non-illuminated sign, advertising the sale or development of land containing an area of not less than five lots, or one acre. The sign shall not exceed thirty-two (32) square feet in area, 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 an application for continuance is approved by the Administrator. The Administrator may issue approval to continue the sign for an additional year.
- B. A non-illuminated sign, not to exceed six (6) 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 (24) hours after the transfer of title or the signing of a 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 (6) square feet is not exceeded.

- C. An on-site, non-illuminated sign, 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 (32) square feet in area. Such sign shall be removed within twenty-four (24) hours after a certificate of occupancy is issued.
- D. A sign, not exceeding sixteen (16) square feet in area, advertising the sale of produce grown on the premises. Only one sign per street frontage shall be permitted.
- E. Corporation flags, limited to one flag per parcel, when flown in conjunction with the United States or State of Colorado flags.
- F. Wind-driven signs (see definition), subject to the following:
 - 1. A special events permit shall be required prior to any use of wind-driven signs. The fee for such permit shall be \$25.00.
 - 2. Wind-driven signs, excluding banners, may be displayed for not more than fourteen (14) days in any calendar quarter. The days shall be consecutive.
 - 3. Banners may be displayed for a consecutive thirty-day (30) period in any calendar quarter. All banners must be secured directly to the building at all contact points.
 - 4. All wind-driven signs must be professionally made, must be in good repair and appearance, and must also be so located and installed so as not to pose a safety hazard for motorists or pedestrians. Such signs shall not be attached to any object located in the public right-of-way.
 - 5. In addition to other available penalties, failure to comply with the terms of a permit issued under this section shall result in the loss of a permit for the following quarter.
- G. Signage for temporary uses requiring a Temporary Use Permit shall conform to the requirements specified in Section 4-13-2 G. of this Code.

5-7-5

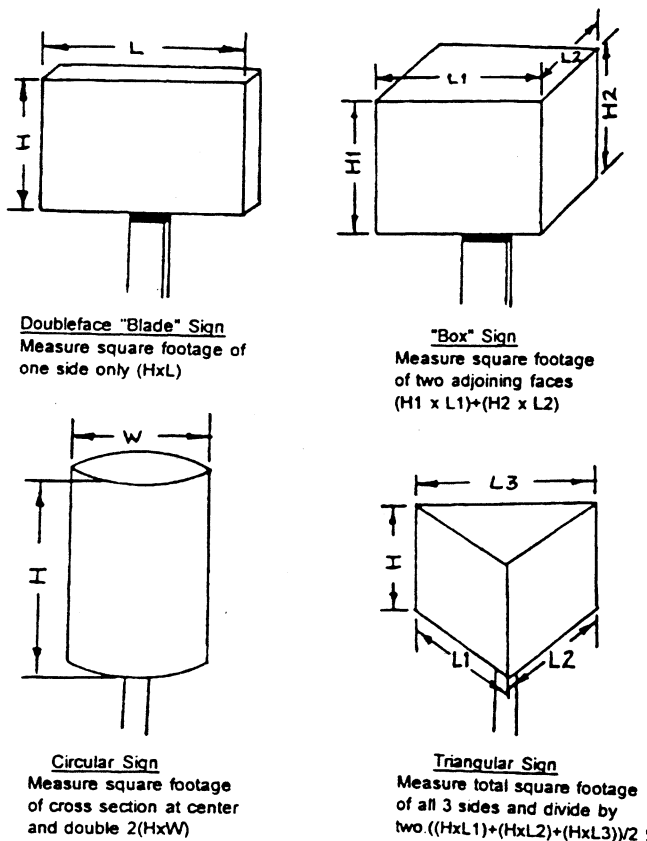
NON-CONFORMING SIGNS

- A. All non-conforming signs shall be removed or made to conform to the provisions of this Code by May 1, 1984, as per Ordinance No. 1617 effective April 24, 1976. Any non-conforming sign which has been damaged in excess of fifty percent (50%) 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 all 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 and require a permit.
- 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 permitted as off-premise signs under this regulation. All signs shall be permanent in nature except for those signs allowed in Section 5-7-4, or 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 (30) pounds per square foot.
- F. Signs which identify businesses, goods, or services no longer provided on the premises shall be removed by the owner of the premises within ninety (90) days after the business ceases, or when the goods or services are no longer available.
- G. No sign shall be 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 and projecting wall signs shall be counted as part of the maximum total surface area allowance. The total surface area of all sign faces of roof 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.
 - 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.

Measurement of Signs



(Figure F5-7-6H)

- I. No illumination of a sign is permitted unless the following criteria are met:
 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 a light source 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.
 4. Electrical service provided to illuminated signs may require an electrical permit from the Building Department.

J. Identification and Marking - Each sign requiring a permit shall bear an identification plate stating the following information:

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

5-7-7 SIGN STANDARDS BY ZONE - Only signs as described below and within this Section (5-7) 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-four (24) square feet per street frontage 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 (32) square feet per street frontage 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 (200) square feet.
 - 2) Permanent on-site subdivision signs shall be allowed at the entrances to the subdivision, provided that each sign does not exceed thirty-two (32) square feet.
3. Location: Permitted signs may be anywhere on the property. If freestanding, the top shall not be over eight (8) 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 (16) square feet.
 - b. A temporary street banner across a public right-of-way which announces an event sponsored by a local, state, or federal governmental unit(s), charitable organizations, or other non-profit organizations may be allowed, if the sponsoring entity obtains a permit from the Administrator 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. A street banner authorized by this section shall refer only to the event in question and shall not contain advertising for any private product or service offered for sale except a logo or logos of the sponsoring entity if the total area of the logo(s) does not exceed five percent (5%) of the banner area.
3. Location and Size: Permitted signs may be anywhere on the premises except as specifically restricted in this section (see specific sign type and pertinent zoning regulation). The total amount of signage to be allowed on any property shall not exceed the sign allowance as calculated in 5-7-7B.5.b or 5-7-7B.7.b, whichever is greater. No single sign may be larger than three hundred (300) 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 Section 5-7-6I.
5. Flush Wall Signs and Roof Signs:
 - a. The sign allowance shall be calculated on the basis of the length 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. The sign allowance for flush wall signs on buildings located on interior lots (lots not on a corner) which are oriented perpendicular to the street shall be based on the longer building facade. The total sign allowance, or any percentage thereof, of one frontage may be transferred to a building facade that has no allowance provided the transferred amount does not exceed what would have been allowed on that building facade based on its length.

- b. Two (2) square feet of sign area shall be allowed for each linear foot of building facade for flush wall signs and roof signs. The measurement of a roof sign shall be based on the square footage of each sign face. Flush wall signs may extend up to twelve inches (12") from the face of the building if the base of the sign is at least eight feet (8') 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.)
- c. On any building which allows flush wall signs, roof signs, or projecting signs, a maximum of two (2) of these types may be used. If a flush wall sign and roof sign are used, the sign allowance of two (2) square feet per linear foot of building may be divided between the two (2) types of signs. If either 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.
- d. Roof signs shall be manufactured such that no guy wires, braces, or secondary supports shall be visible. Maximum height for roof signs shall be forty feet (40') above grade.

6. Projecting Signs:

- a. Signs may project up to seventy-two (72") inches from the face of the building if located eight feet (8') or more above grade. They shall not project beyond the back of curb, nor within two (2') feet of the edge of the roadway if there is no curb. Total area per sign face shall not exceed one-half ($\frac{1}{2}$) square foot per linear foot of building facade. If the projecting sign is the only sign mounted on the building, the minimum sign allowance shall be twelve (12) square feet.
- b. On places of public entertainment such as theaters, arenas, meeting halls, etc., where changeable copy signs are used which project over public property, the projection may be one-half ($\frac{1}{2}$) foot for each linear foot of building frontage provided that it is no closer than four feet (4') to the curb face (see definition).

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

- a. No more than one (1) 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 street right-of-way in conformance with the following:

Two Traffic Lanes: Maximum area of sign per face per front foot of property, .75 square foot; maximum height, twenty five feet (25').

Four or more traffic lanes: Maximum area of sign per face per front foot of property, 1.5 square feet; maximum height, forty feet (40').

- c. Signs may be installed at street right-of-way line. The sign face may project up to seventy two inches (72") into the right-of-way, if located fourteen feet (14') or more above grade, but shall not project closer than twenty four inches (24") 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. 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 (15') of the intersection of the two-street frontage property lines unless free air space is maintained between a point thirty six inches (36") above street elevation and a point seventy two inches (72") 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.
 - f. Signs over twenty five feet (25') in height shall require a building permit in addition to a sign permit.
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 (40') 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 face exceeding three hundred (300) square feet in area or containing less than fifteen (15) square feet in area.
 - b. Distance: For each square foot of surface or facing of the sign, two feet (2') 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 (600') to an existing three hundred (300) square foot sign. A MAXIMUM OF ONE OFF-PREMISE SIGN SHALL BE ALLOWED PER PARCEL OF LAND.

- c. Service clubs may be allowed one (1) common off-premise sign, in any zone, adjacent to each major highway, to a maximum of five (5) 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 and Conditional Uses: No sign shall be allowed on properties in a Planned Development zone or on a Conditional Use site unless the sign has been 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 him, any sign which is in a dangerous or defective condition. The Administrator shall require the owner of the sign or the owner of the premises upon which it is located to remove or repair any such sign. In cases of immediate danger to the public due to the defective nature of a sign, the Administrator may have the sign removed and assess the costs of the removal against the property. Such assessment shall constitute a first and prior lien on the property, equivalent to ad valorem taxes and shall be collected in the same manner as the real estate taxes on the property.
2. All signs shall be maintained in good 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 a violation of this Code.

- B. Abandoned Signs. Except as otherwise provided in this regulation, a sign which is located on property which is unoccupied for a period of three (3) consecutive months or more, or a sign which pertains to a time, event or purpose which no longer applies, shall be deemed 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 unoccupied for a period of six (6) months or more. An abandoned sign is prohibited; the sign and supporting structure shall be removed by the owner of the sign or the owner of the premises. An abandoned sign which is not removed in a timely manner may be removed by the Administrator under the provisions of Section 5-7-8A.1.

5-8 FLOOD DAMAGE PREVENTION REGULATION

5-8-1 PURPOSE - It is the purpose of Ordinance No. 2584 to promote the public health, safety, and general welfare, and to minimize public and private losses due to flood conditions to specific areas by provisions designed:

1. to protect human life and health;
2. to minimize expenditure of public money for costly flood control projects;
3. to minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
4. to minimize prolonged business interruptions;
5. to minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in areas of special flood hazard;
6. to help maintain a stable tax base by providing for the sound use and development of areas of special flood hazard so as to minimize future flood blight areas;
7. to ensure that potential buyers are notified that property is in an area of special flood hazard; and,
8. to ensure that those who occupy the areas of special flood hazard assume responsibility for their actions.

In order to accomplish its purposes, this Ordinance includes methods and provisions for:

1. restricting or prohibiting uses which are dangerous to health, safety, and property due to water or erosion hazards, or which result in damaging increases in erosion or in flood heights or velocities;
2. requiring that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;
3. controlling the alteration of natural floodplains, stream channels, and natural protective barriers which help accommodate or channel flood waters;
4. controlling filling, grading, dredging, and other development which may increase flood damage; and,
5. preventing or regulating the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards in other areas.

5-8-2 DEFINITIONS

Unless specifically defined below, words or phrases used in this Ordinance shall be interpreted so as to give them the meaning they have in common usage and to give this Ordinance its most reasonable application.

"Appeal" means a request for a review of the Grand Junction Community Development Department's interpretation of any provisions of this Ordinance or a request for a variance therefrom.

"Area of Shallow Flooding" means a designated AH or AO zone with a one percent (1%) or greater annual chance of flooding to an average depth of one to three feet (1-3') where a clearly defined channel does not exist, where the path of flooding is unpredictable and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

"Area of special flood hazard" means the land in the floodplain subject to a one percent (1%) or greater chance of flooding in any given year.

"Base flood" means the flood having a one percent (1%) chance of being equaled or exceeded in any given year.

"Development" means any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations located within the area of special flood hazard.

"Existing manufactured home park or subdivision" means a manufactured home park for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) are completed before the effective date of this Ordinance.

"Expansion to existing manufactured home park or subdivision" means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

"Flood" or "flooding" means a general and temporary condition of partial or complete inundation of normally dry land areas from:

1. the overflow of inland or tidal waters and/or,
2. the unusual and rapid accumulation or runoff of surface waters from any source.

"Flood Insurance Rate Map (FIRM)" means the official map on which the Federal Emergency Management Agency has delineated both the areas of special flood hazards and the risk premium zones.

"Flood Insurance Study" means the official report provided by the Federal Emergency Management Agency that includes flood profiles, the Flood Boundary-Floodway Map, and the water surface elevation of the base-flood.

"Floodway" means the channel of a river or other water course and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot (1').

"Lowest floor" means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage, in an area other than a basement area, is not considered a building's lowest floor, provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this Ordinance.

"Manufactured home" means a structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term "manufactured home" does not include a "recreational vehicle."

"New construction" means structures for which the "start of construction" commenced on or after the effective date of the original ordinance, and includes any subsequent improvements to such structures.

"New manufactured home park or subdivision" means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of these floodplain management regulations.

"Recreational vehicle" means a vehicle which is (1) built on a single chassis; (2) four hundred (400) square feet or less when measured at the largest horizontal projections; (3) designed to be self-propelled or permanently towable by a light duty truck; and (4) designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

"Start of construction" includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, placement, or other improvement was within one hundred and eighty (180) days of the permit date. The actual start means the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

"Structure" means a walled and roofed building or manufactured home that is principally above ground.

"Substantial damage" means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed fifty percent (50%) of the market value of the structure before the damage occurred.

"Substantial improvement" means any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds fifty percent (50%) of the market value of the structure before the "start of construction" of the improvement. This term includes structures which have incurred "substantial damage," regardless of the actual repair work performed. The term does not, however, include either:

1. any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions; or
2. any alteration of a "historic structure," provided that the alteration will not preclude the structure's continued designation as a "historic structure."

"Variance" means a grant of relief from the requirements of this Ordinance which permits construction in a manner that would otherwise be prohibited by this Ordinance.

5-8-3 GENERAL PROVISIONS

- A. **Lands to Which This Ordinance Applies**
This Ordinance shall apply to all areas of special flood hazard within the jurisdiction of Grand Junction.
- B. **Basis for Establishing the Areas of Special Flood Hazard**
The areas of special flood hazard identified by the Federal Emergency Management Agency in a scientific and engineering report entitled, "The Flood Insurance Study for Grand Junction," dated July 15, 1992, with an accompanying Flood Insurance Rate Map (FIRM), is hereby adopted by reference and declared to be a part of this Ordinance. The Flood Insurance Study and FIRM are on file at the Community Development Department, 250 North 5th Street, Grand Junction, Colorado 81501.
- C. **Compliance**
No structure or land shall hereafter be constructed, located, extended, converted or altered without full compliance with the terms of this Ordinance and other applicable regulations.
- D. **Abrogation and Greater Restrictions**
This Ordinance is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this Ordinance and another ordinance, easement, covenant, or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.
- E. **Interpretation**
In the interpretation and application of this Ordinance, all provisions shall be:
 1. considered as minimum requirements;
 2. liberally construed in favor of the City Council; and,

3. deemed neither to limit nor repeal any other powers granted under State statutes, or the City Charter.

F. **Warning and Disclaimer of Liability**

The degree of flood protection required by this Ordinance is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This Ordinance does not imply that land outside the areas of special flood hazard or uses permitted within such areas will be free from flooding or flood damages. This Ordinance shall not create liability on the part of the City of Grand Junction, or any officer or employee thereof, or the Federal Emergency Management Agency for any flood damages that result from reliance on this Ordinance or any administrative decision lawfully made hereunder.

5-8-4 ADMINISTRATION

A. **Establishment of Development Permit**

A development permit shall be obtained before construction or development begins within any area of special flood hazard established in Section 5-8-3B.

Application for a development permit shall be made on forms furnished by the Community Development Department and may include, but not be limited to plans in duplicate drawn to scale showing the nature, location, dimensions, and elevations of the area in question; existing or proposed structures, fill, storage of materials, drainage facilities; and the location of the foregoing. Specifically, the following information is required:

1. elevation in relation to mean sea level of the lowest floor (including basement) of all structures;
2. elevation in relation to mean sea level to which any structure has been floodproofed;
3. certification by a registered professional engineer or architect that the floodproofing methods for any non-residential structure meet the floodproofing criteria in Section 5-8-5B.2.; and,
4. description of the extent to which any watercourse will be altered or relocated as a result of proposed development.

B. **Designation of the Community Development Department**

The Director of the Community Development Department is hereby appointed to administer and implement this Ordinance by granting or denying development permit applications in accordance with its provisions.

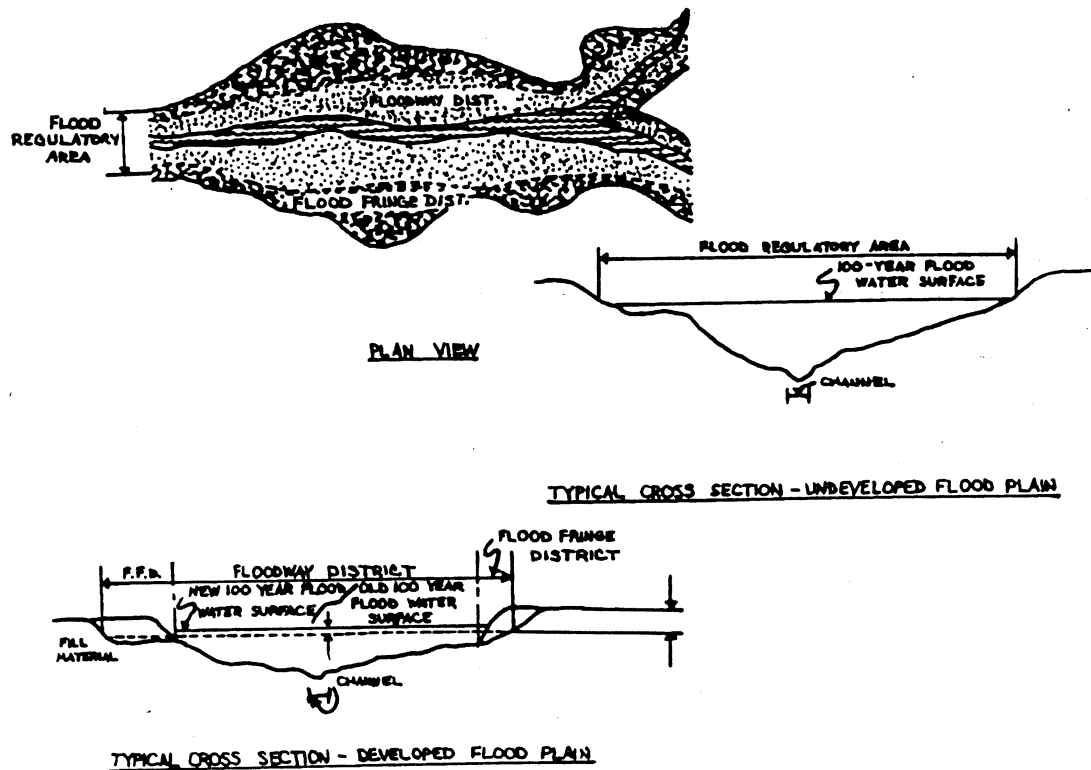
C. **Duties and Responsibilities of the Community Development Department**

The duties and responsibilities of the Community Development Department include, but are not limited to:

1. **Permit Review**

- a. Review of all development permits to determine that the permit requirements of this Ordinance have been satisfied;
 - b. Review all development permits to determine that all necessary permits have been obtained from federal, state, or local governmental agencies from which prior approval is required; and
 - c. Review all development permits to determine if the proposed development is located in the floodway. If located in the floodway, assure that the encroachment provisions of Section 5-8-5C.1 are met.
2. **Use of Other Base Flood Data**
When base flood elevation data has not been provided in accordance with Section 5-8-3B, **BASIS FOR ESTABLISHING THE AREAS OF SPECIAL FLOOD HAZARD**, the Community Development Department shall obtain, review, and reasonably utilize any base flood elevation and floodway data available from any federal, state, or other source as criteria for requiring that new construction, substantial improvements, or other development in Zone A are administered in accordance with Section 5-8-5B, **SPECIFIC STANDARDS**.
3. **Information to be obtained and maintained**
- a. Obtain and record the actual elevation (in relation to mean sea level) of the lowest floor (including basement) of all new or substantially improved structures, whether or not the structure contains a basement.
 - b. For all new or substantially improved floodproofed structures:
 - 1) verify and record the actual elevation (in relation to mean sea level) to which the structure has been floodproofed; and
 - 2) maintain the floodproofing certifications required in Section 5-8-5B.2.a.3.
 - c. Maintain for public inspection all records pertaining to the provisions of this Ordinance.
4. **Alteration of Watercourses**
- a. Notify adjacent communities and the Colorado Water Conservation Board prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Emergency Management Agency.
 - b. Require that maintenance is provided within the altered or relocated portion of said watercourse so that the flood-carrying capacity is not diminished.
5. **Interpretation of FIRM Boundaries**

Make interpretations, where needed, as to the exact location of the boundaries of the areas of special flood hazard (for example, where there appears to be a conflict between a mapped boundary and actual field conditions). The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in Section 5-8-4D.



(Figure F5-8-4) FLOOD PLAIN DISTRICT AND PROFILE ILLUSTRATION

D. Variance Procedure

Appeal Board

1. The Board of Appeals, as established by the City of Grand Junction, shall hear and decide appeals and request for variances from the requirements of this Ordinance.

2. The Board of Appeals shall hear and decide appeals when it is alleged there is an error in any requirement, decision, or determination made by the Community Development Department in the enforcement or administration of this Ordinance.
3. Those aggrieved by the decision of the Board of Appeals, or any taxpayer, may appeal such decisions to the Mesa County District Court as provided in C.R.C.P. 106(a)(4).
4. In passing upon such applications, the Board of Appeals shall consider all technical evaluations, all relevant factors, standards specified in other sections of this Ordinance, and:
 - a. the danger that materials may be swept onto other lands to the injury of others;
 - b. the danger to life and property due to flooding or erosion damage;
 - c. the susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owners;
 - d. the importance of the services provided by the proposed facility to the community;
 - e. the necessity to the facility of a waterfront location, where applicable;
 - f. the availability of alternative locations for the proposed use which are not subject to flooding or erosion damage;
 - g. the compatibility of the proposed use with the existing and anticipated development;
 - h. the relationship of the proposed use to the comprehensive plan and floodplain management program for that area;
 - I. the safety of access to the property in times of flood for ordinary and emergency vehicles;
 - j. the expected heights, velocity, duration, rate of rise and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site; and,
 - k. the costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, streets and bridges.
5. Upon consideration of the factors of Section 5-8-4D.4 and the purposes of this Ordinance, the Board of Appeals may attach such conditions to the granting of variances as it deems necessary to further the purposes of this Ordinance.
6. The Director of the Community Development Department shall maintain the records of all appeal actions, including technical information, and shall report any variances to the Federal Emergency Management Agency.

7. Conditions for Variances

- a. Generally, variances may be issued for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing items (a-k) in Section 5-8-4D.4 have been fully considered. As the lot size increases beyond the one-half ($\frac{1}{2}$) acre, the technical justifications required for issuing the variance increase.
- b. Variances may be issued for the reconstruction, rehabilitation or restoration of structures listed on the National Register of Historic Places or the State Inventory of Historic Places without regard to the procedures set forth in the remainder of this section.
- c. Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.
- d. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
- e. Variances shall only be issued upon:
 - 1) a showing of good and sufficient cause;
 - 2) a determination that failure to grant the variance would result in exceptional hardship to the applicant; and
 - 3) a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expenses, create nuisances, cause fraud on or victimization of the public as identified in Section 5-8-4D.4 or conflict with existing local laws or ordinances.
- f. Any applicant to whom a variance is granted shall be given written notice that the structure will be permitted to be built with a lowest floor below the base flood elevation and that the cost of flood insurance will be commensurate with the increased risk from the reduced lowest floor elevation.

5-8-5 PROVISIONS FOR FLOOD HAZARD REDUCTION

A. General Standards

In all areas of special flood hazard, the following standards are required:

1. Anchoring

- a. All new construction and substantial improvements shall be anchored to prevent flotation, collapse, or lateral movement of the structure and capable of resisting the hydrostatic and hydrodynamic loads.
- b. All manufactured homes must be elevated and anchored to resist flotation, collapse or lateral movement and capable of resisting the hydrostatic and hydrodynamic loads. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable state and local anchoring requirements for resisting wind forces. Specific requirements may be:
 - 1) over-the-top ties be provided at each of the four corners of the manufactured home, with two additional ties per side at intermediate locations, with manufactured homes less than fifty feet (50') long requiring one additional tie per side;
 - 2) frame ties be provided at each corner of the home with five additional ties per side at intermediate points, with manufactured homes less than fifty feet (50') long requiring four additional ties per side;
 - 3) all components of the anchoring system be capable of carrying a force of four thousand eight hundred (4,800) pounds; and
 - 4) any additions to the manufactured home be similarly anchored.

2. Construction Materials and Methods

- a. All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.
- b. All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage.
- c. All new construction and substantial improvements shall be constructed with electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

3. Utilities

- a. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;
- b. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharge from the systems into flood waters; and
- c. On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

4. Subdivision Proposals

- a. All subdivision proposals shall be consistent with the need to minimize flood damage;
- b. All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage;
- c. All subdivision proposals shall have adequate drainage provided to reduce exposure to flood damage; and
- d. Base flood elevation data shall be provided for subdivision proposals and other proposed development which contain at least fifty (50) lots or five (5) acres (whichever is less).

B. Specific Standards

In all areas of special flood hazard where base flood elevation data has been provided as set forth in Section 5-8-3B, BASIS FOR ESTABLISHING THE AREAS OF SPECIAL FLOOD HAZARD or Section 5-8-4C.2, USE OF OTHER BASE FLOOD DATA, the following provisions are required:

1. Residential Construction

- a. New construction and substantial improvement of any residential structure shall have the lowest floor (including basement) elevated at least one foot (1') above the base flood elevation.
- b. Require within any AO Zone on the FIRM that all new construction and substantial improvements of residential structures shall have the lowest floor (including basement) elevated above the highest adjacent grade at least as high as the depth number specified in feet on the FIRM (at least two feet (2') if no depth number is specified).

- c. Require within Zones AH and AO on the FIRM adequate drainage paths around structures on slopes to guide flood waters around and away from proposed structures.

2. Nonresidential Construction

- a. New construction and substantial improvement of any commercial, industrial or other nonresidential structure shall either have the lowest floor (including basement) elevated at least one foot (1') above the level of the base flood elevation; or, together with attendant utility and sanitary facilities, shall:

- 1) be floodproofed so that below the base flood elevation the structure is watertight with walls substantially impermeable to the passage of water;
- 2) have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy; and,
- 3) be certified by a registered professional engineer or architect that the design and methods of construction are in accordance with accepted standards of practice for meeting the provisions of this paragraph. Such certifications shall be provided to the official as set forth in Section 5-8-4C.3.

- b. Require within any AO Zone on the FIRM that all new construction and substantial improvements of nonresidential structures, (i) have the lowest floor (including basement) elevated above the highest adjacent grade at least as high as the depth number specified in feet on the FIRM (at least two feet (2') if no depth number is specified), or (ii) together with attendant utility and sanitary facilities be completely floodproofed to that level to meet the floodproofing standard specified in Section 5-8-5(B)(2).

- c. Require within Zones AH and AO on the FIRM adequate drainage paths around structures on slopes to guide floodwaters around and away from proposed structures.

3. Openings in Enclosures Below the Lowest Floor

For all new construction and substantial improvements, fully enclosed areas below the lowest floor that are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or must meet or exceed the following minimum criteria:

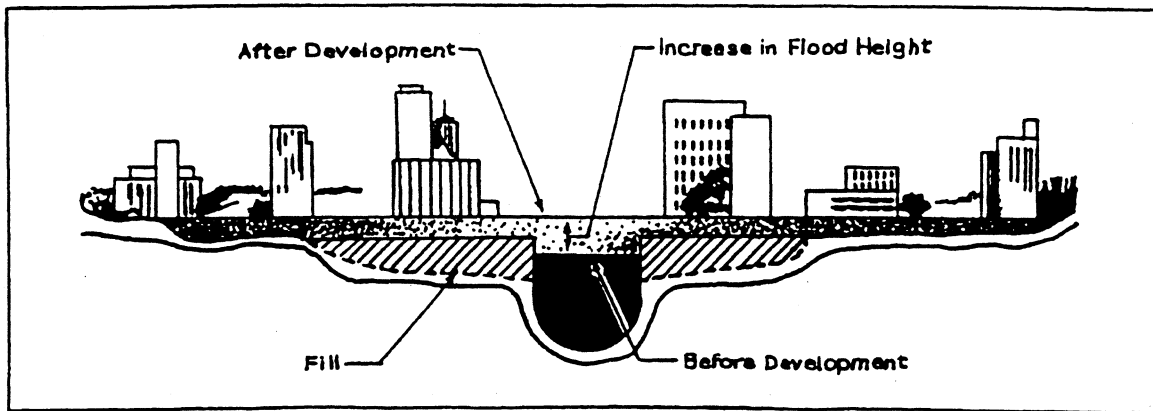
- a. a minimum of two (2) openings having a total net area of not less than one (1) square inch for every square foot of enclosed area subject to flooding shall be provided;
- b. the bottom of all openings shall be no higher than one foot (1') above grade;
- c. openings may be equipped with screens, louvers, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

4. Manufactured Homes

- a. Manufactured homes shall be anchored in accordance with Section 5-8-5A.1.
- b. All manufactured homes or those to be substantially improved shall conform to the following requirements:
 - 1) require that manufactured homes that are placed or substantially improved on a site (i) outside of a manufactured home park or subdivision, (ii) in a new manufactured home park or subdivision, (iii) in an expansion to an existing manufactured home park or subdivision, or (iv) in an existing manufactured home park or subdivision on which a manufactured home has incurred "substantial damage" as a result of a flood, be elevated on a permanent foundation such that the lowest floor of the manufactured home is elevated at least one foot (1') above the base flood elevation and be securely anchored to an adequately anchored foundation system to resist flotation, collapse and lateral movement; and
 - 2) require that manufactured homes to be placed or substantially improved on sites in existing manufactured home parks or subdivisions that are not subject to the provisions in (1) above be elevated so that either (I) the lowest floor of the manufactured home is at least one foot (1') above the base flood elevation, or (ii) the manufactured home chassis is supported by reinforced piers or other foundation elements that are no less than thirty six inches (36") in height above grade and be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.

5. Recreational Vehicles

- a. Require that recreational vehicles either (I) be on the site for fewer than one hundred and eighty (180) consecutive days, (ii) be fully licensed and ready for highway use, or (iii) meet the permit requirements and elevation and anchoring requirements for resisting wind forces.



Buildings, landfills and other encroachments on the floodplain take up space needed for the passage of flood flows. This can result in damage to the development as well as more extensive flooding upstream of and adjacent to the development.

(Figure F5-8-5)

C. Floodways

Located within areas of special flood hazard established in Section 5-8-3B are areas designated as floodways. Since the floodway is an extremely hazardous area due to the

velocity of flood waters which carry debris, potential projectiles, and erosion potential, the following provisions apply:

1. prohibit encroachments, including fill, new construction, substantial improvements, and other development unless certification by a registered professional engineer or architect is provided demonstrating that encroachments shall not result in any increase in flood levels during the occurrence of the baseflood discharge; and
2. if Section 5-8-4C.1 is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of Section 5-8-5, PROVISIONS FOR FLOOD HAZARD REDUCTION.

5-9 GEOLOGIC AND WILDFIRE HAZARD REGULATION

5-9-1 PURPOSE AND SCOPE - This regulation shall apply to all lands within any area identified as a Geologic and/or Wildfire 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 and minimize damage from possible hazards; and
- D. provide notification to people purchasing lands unsuitable for development.

5-9-2 EXEMPTIONS

- A. This regulation shall not apply to the following:
 1. 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; and
 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 Section 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. The Administrator 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 its review. Applications involving wildfire hazard areas shall be submitted to the Colorado Forest Service for review.
4. Also see Chapter Ten, Variances and Appeals, and Chapter Twelve, Definitions.

B. Liability - The degree of hazard protection provided by this regulation is considered reasonable for regulatory purposes and is based on engineering and scientific studies. 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 City Council 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 referred to as Chapter Five, Section 9-4C.3 (Geologic Hazard Areas) and Chapter Five, Section 9-4C.4 (Wildfire Hazard Areas) of the City of Grand Junction Zoning and Development Code.
2. The official maps define only approximate boundaries of hazard areas. The maps shall serve primarily as notice to the Administrator, Planning Commission, City Council, and the applicant, that geologic and/or wildfire 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. The Geological Hazard Area Map is on file in the Department.
4. The Wildfire Hazard Area Map is 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 REGULATIONS

5-10-1 PURPOSE AND SCOPE

- A. The purpose of this section (Section 5-10) is to provide rules and regulations for the keeping of agricultural animals, household pets, and other animals so that these animals do not become a nuisance, hazard, and/or health problem to the adjoining neighbors and the general public.
- B. Collective animal uses such as feedlots, zoos, kennels, and veterinarian hospitals are specifically identified in the Use/Zone Matrix and shall be administered by the provisions of Chapter Four.

5-10-2 NON-CONFORMING USE

- A. The existing, lawful use of a premises or structure, used for the keeping of animals, 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 Code.
2. If a non-conforming use is discontinued for twelve (12) consecutive months, any future use shall conform to this regulation and Code. Documented proof of continuance shall be the responsibility of the occupant or property owner.

5-10-3 AGRICULTURAL ANIMALS

A. Large Agricultural Animals (See Definitions)

1. In the Public Zone, RSF-R zone, RSF-1 zone or RSF-2 zone a maximum of one (1) large adult agricultural animal per quarter (1/4) acre shall be allowed.
2. In all other zones, a maximum of one (1) large adult agricultural animal shall be allowed per one-half (1/2) acre of land.
3. All large agricultural animals kept on a parcel shall be fenced so that they are no closer than one hundred feet (100') from a principal structure on an adjoining property. This provision shall not apply when the keeping, raising or breeding of large agricultural animal(s) pre-existed development on any adjacent, adjoining or abutting property(ies) when:
 - a. Development occurs closer than one hundred feet (100') to the nearest point at which the keeping, raising or breeding of animal(s) occurs, and;
 - b. The keeping, raising or breeding of large agricultural animal(s) is and has been continuous
4. No person shall keep, house, or shelter one (1) or more adult pig(s) in any zone district other than RSF-R, I-1 and I-2 unless such person has obtained a conditional use permit in accordance with the provisions of Section 4-6 and 4-8 of this code.

B. SMALL AGRICULTURAL ANIMALS (See Definitions)

1. In all zones, on parcels greater than one-half (1/2) acre, fifteen (15) small adult agricultural animals shall be allowed per acre.
2. In all zones on parcels one-half (1/2) acre or less; a maximum of six (6) small agricultural animals shall be allowed.
3. Small agricultural animals which are kept outside the principal structure shall be confined by a fence, cage, or pen so as to be no closer than twenty feet (20') from a principal residential structure on an adjoining property.

- C. In the RSF-R zone, the number of large and small agricultural animals allowed under sections 5-10-3 A AND 5-10-3 B, may be exceeded with a Conditional Use Permit. If the Conditional Use application is approved, the permit shall state the maximum number of animals allowed by type and in the aggregate.
- D. The keeping, breeding and raising of chinchillas in any number is an "allowed use" in the RSF-R zone if each chinchilla has at least eight (8) cubic feet of building space which is fully enclosed by solid materials. When enclosed building space is less than eight (8) cubic feet per chinchilla, a Conditional Use Permit is required in accordance with Section 5-10-3C. For fifteen (15) or less chinchillas, Sections 5-10-3B.1 and 5-10-3B.2 shall apply and required enclosed building space for each chinchilla is not required.

NOTE: Other regulations regarding the keeping of agricultural animals may be found in the Code of Ordinances, City of Grand Junction, Chapter 6, Animals. It is recommended that such performance standards be consulted.

5-10-4 HOUSEHOLD PETS (See Definitions)

- A. In all zones, a maximum of three (3) adult (4 months or older) household pets, e.g. dogs and cats, per species shall be allowed. In no event shall the total number of adult animals exceed six (6).
- B. The requirements of A. above shall not apply to those small animals kept within a residence, e.g. fish, small birds, rodents and reptiles.
- C. Dogs or cats kept confined in kennels shall be kept no closer than twenty feet (20') from the nearest principal residential structure on an adjacent property.

5-10-5 OTHER ANIMALS (See Definitions)

- A. The owner of animals other than those classified as agricultural animals or household pets shall obtain a special use permit from the Administrator before keeping any other such animal.

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 located directly off the end of a runway's primary surface, beginning two hundred feet (200') 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, in accordance with F.A.A. regulations.

CRITICAL ZONE: A rectangular-shaped zone located directly off the end of a runway's primary surface, beginning two hundred feet (200') 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 - Maps shall be referred to as 5-11-2B of the City of Grand Junction and Development Code.

5-11-3 LAND USE COMPATIBILITY

- A. Land Use Compatibility Matrix

1. This matrix establishes requirements and limitations in addition to Chapter Four, 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 Section 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, Hospitals, Libraries	C	I	I
Churches	C	S	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

(Figure F5-11-3)

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 other lighting; result in glare in the eyes of pilots using the airport, impair visibility in the vicinity of the airport; or otherwise create a hazard or endanger landing, takeoff, or maneuvering of aircraft.

C. Airport Zone Height Limitations - There are hereby established imaginary surfaces, above and around the airport, in order to limit height. Nothing, including structures and trees, shall be erected, altered, allowed to grow, or be maintained so that it crosses or enters into the following described planes:

1. Utility Runway Visual Approach Zone: Slopes upward twenty feet (20') horizontally for each foot vertically, beginning at the end of, and at the same elevation as, the primary surface and extending away a horizontal distance of 5,000 feet along the extended runway centerline.
2. Utility Runway Non-Precision Instrument Approach Zone: Slopes upward twenty feet (20') 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 the extended runway centerline.
3. Runway Larger than Utility Visual Approach Zone: Slopes upward twenty feet (20') 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 the 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 (34') 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 (34') 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 (50') 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 ten thousand feet (10,000') along the extended runway centerline, thence sloping upward

forty feet (40') horizontally for each foot vertically to an additional horizontal distance of forty thousand feet (40,000') along the extended runway centerline.

7. Heliport VFR Approach Zone: Slopes upward fifteen feet (15') 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 four thousand feet (4,000') along the extended primary surface centerline.
8. Heliport IFR Approach Zone: Slopes upward fifteen feet (15') 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 ten thousand feet (10,000') along the extended primary surface centerline.
9. STOL Approach Zone: Slopes upward fifteen feet (15') 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 ten thousand feet (10,000') along the extended runway centerline.
10. Transitional Zone: Slopes upward and outward seven feet (7') 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 one hundred and fifty feet (150') above the airport elevation of four thousand eight hundred and fifty seven feet (4,857') above mean sea level. In addition to the foregoing, seven feet (7') 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 (7') 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 five thousand feet (5,000') measured at ninety degree (90°) angles to the extended runway centerline.
11. Heliport VFR Transitional Zone: Slopes upward and outward two feet (2') 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 two hundred and fifty feet (250') measured horizontally from, and at ninety degree (90°) angles to, the primary surface centerline and extended centerline.
12. Heliport Transitional Zone: Slopes upward and outward four feet (4') and at the same elevation as the primary surface and a portion of the sides of the approach surface, and extending a distance of three hundred and fifty feet (350') measured horizontally from, and at ninety degree (90°) angles to, the primary surface centerline and extending centerline.

13. STOL Transitional Zone: Slopes upward and outward four feet (4') 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 one hundred feet (100') above the primary surface.
14. Horizontal Zone: One hundred fifty feet (150') above the airport four thousand eight hundred and fifty seven feet (4,857') elevation, to a height of five thousand and seven feet (5,007') above mean sea level.
15. Conical Zone: Slopes upward and outward twenty feet (20') horizontally for each foot vertically, beginning at the periphery of the horizontal zone and at one hundred fifty feet (150') above the airport elevation, and extending to a height of three hundred and fifty feet (350') 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 surface together with the right, subject to the applicable local, state, or federal laws (such as noise or pollution laws) to cause noise, vibrations, smoke, fumes, glare, dust, fuel particles, and all other effects of aircraft operations. All developers shall grant avigation easements, with terms and conditions approved by the Administrator. Such grant shall not be required for repairing or maintaining existing structures.

5-12 ADJUSTMENTS TO PROPERTY LINES

No person shall adjust a property line until the approval of the Department has been obtained in order to insure compliance with the provisions of this Code. Property lines may be adjusted between two parcels only when both parcels have never been platted and typically are described by metes and bounds. Adjustments of property lines that create additional parcels and/or occur between platted lots or when any of the parcels involved are platted shall be processed in accordance with the provisions of Chapter Six, Subdivision.

5-12-1 PROCEDURES

- A. A survey is required for all property line adjustments in accordance with C.R.S. 38-51-10, et seq. On parcels where structures exist, the location of the structures, in relation to the new proposed property lines, shall be shown.
- B. Two copies of the survey and one set of original, unsigned deeds effecting the adjustment will be submitted to the Administrator. The Administrator will review this information for accuracy and compliance with this Code.

- C. If all requirements have been met, the applicant will be notified and one copy of the survey, stamped and signed as approved by the City, will be sent to the Mesa County Surveyor for approval. If the adjustment is disapproved, the applicant will be informed of the reasons for the disapproval.
- D. Upon notification from the Mesa County Surveyor that the survey is approved, the Administrator will stamp and sign the deeds and release them to the applicant for recording.

5-13 ADULT ENTERTAINMENT

5-13-1 LEGISLATIVE DECLARATION - The City Council finds that the concentration of certain adult entertainment establishments in cities tends to result in the blighting and deterioration of the areas of such concentration. Accordingly it is necessary that these establishments be regulated in a manner as to prevent the erosion of the character of affected neighborhoods. No adult entertainment establishment as defined herein shall be permitted within the City of Grand Junction except as provided in this Ordinance.

5-13-2 PURPOSE

- A. The purpose is to establish for the zoning and location of adult entertainment establishments which:
 - 1. are not a nuisance; and
 - 2. do not violate the provisions of the Colorado Criminal Code regarding sexual conduct, obscene material or obscene conduct.
- B. Nothing in this section authorizes, legalizes or permits the establishment, operation or maintenance of any business, building, or activity which violates any other municipal ordinance or provision of the Colorado Criminal Code or Civil laws regarding nuisances, sexual conduct, obscene material or obscene conduct. Obscene material or obscene conduct means that material or conduct which, taken as a whole, appeals to the prurient interest of the average person, applying a contemporary local standard and depicts or describes sexual conduct which, taken as a whole, lacks serious literary, artistic, political or scientific value. The term contemporary local standard means that the material or conduct at issue must be measured in terms of the contemporary community standards of the City of Grand Junction.

5-13-3 DEFINITIONS

- A. Adult Entertainment Establishments: Any establishment which conducts as a principal use of the premises or as a significant or substantial adjunct to another use of the premises, the sale, rental, display or other offering of live entertainment, dancing or material which is

distinguished or characterized by its emphasis on depicting, exhibiting, describing or relating to specified sexual activities or specified anatomical areas as an attraction to the premises, including but not limited to:

1. Adult bookstore: Any establishment which sells or rents adult material including but not limited to books, magazines, movies, films, slides, or other photographic or written material and/or devices;
2. Adult hotel or motel: Any hotel or motel in which the presentation of adult material is the primary or a principal attraction; and
3. Adult motion picture theater: Any fully enclosed theater in which the presentation of adult material is the primary or principal attraction;
4. Adult cabaret, restaurant or place of business: A cabaret, restaurant or place of business which features topless and/or bottomless dancers, waitresses, waiters, or entertainers.

B. Adult Material: Any material including, but not limited to books, magazines, newspapers, movie films, slides, or other photographic or written materials, video tapes and/or devices which are distinguished by their emphasis on depicting, describing or relating to specified anatomical areas or specified sexual activities:

1. Specified anatomical areas are any of the following which are less than completely and opaquely covered:
 - a. human genitals and pubic region;
 - b. buttocks;
 - c. the human female breast or breasts to a point immediately below the top of the areola; and
 - d. human male genitals in a discernibly turgid state even if completely and opaquely covered.
2. Specified sexual activities or sexual conduct:
 - a. human genitals in a state of sexual stimulation or arousal;
 - b. actual or simulated acts of sexual intercourse, masturbation, sodomy, bestiality, cunnilingus, fellatio, anilingus or any sexual acts which are prohibited by law; and

c. touching or fondling of the human breast(s), buttock(s), anus or genital(s).

C. **Public Building:** Is any building owned, leased or held by the United States of America, the State of Colorado, Mesa County, or the City of Grand Junction, any school district or other agency or political subdivision, which building is used for governmental purposes.

1. **School:** Is any public or private educational facility including child day care facilities, nursery schools, preschools, kindergartens, elementary schools, middle schools, junior high schools, high schools, vocational schools, special education schools, colleges, universities and trade schools. School includes the school grounds, buildings, structures and facilities.
2. **Church:** Is any structure or building for public worship.
3. **Park:** Is any public property kept, used and maintained for recreational, ornamental or aesthetic purposes.
4. **Playground:** Is any property, public or private, used for and equipped with facilities for recreation especially by children. A playground may be incidental to school use but is not limited to school use or school facilities as defined herein.

5-13-4 PROHIBITION - No person, corporation, or business of any sort or description, shall cause or permit the location or operation of an adult entertainment establishment as defined herein within one thousand feet (1,000') of the property line of another such business or within one thousand feet (1,000') of the property line of any church, school, park, playground, public building or within one thousand feet (1,000') of any residentially zoned property as the same are established under the Grand Junction Zoning and Development Code. The operation of an adult entertainment establishment shall include the opening of such business as a new business, the relocation of such business or the conversion of an existing business location to any of the uses described herein. The operation of an adult entertainment establishment shall be allowed as a use of right on any property zoned C-1, C-2, I-1 or I-2 as the same are established under the Grand Junction Zoning and Development Code

5-13-5 NONCONFORMING USES - Uses made nonconforming by this Ordinance shall be governed by the City of Grand Junction Zoning and Development Code.

5-13-6 PENALTY FOR VIOLATION - Violation of this ordinance is punishable by a fine not exceeding four hundred ninety nine dollars (\$499) or by imprisonment not to exceed ninety days (90) or by both such fine and imprisonment. Each day during any portion of which any violation is committed, permitted or continued shall constitute a separate offense. When there is reason to believe that a violation of this provision is or has been occurring the city attorney may institute and maintain an action in the municipal or any other appropriate court to enjoin the

alleged violation. Nothing shall prohibit simultaneous civil and criminal relief from being sought.

5-13-7 SEVERABILITY - If any provision or clause of this ordinance or the application thereof to any person or circumstance is held to be unconstitutional or otherwise invalid by any court of competent jurisdiction, such invalidity shall not affect other ordinance provisions or clauses or applications thereof which can be implemented without the invalid provision, clause or application and to this end the provisions and clauses of this ordinance are declared to be severable.

5-13-8 PUBLICATION - The City Clerk shall certify to the repeal and reenactment of this Ordinance 1966, and shall cause it to be published in The Daily Sentinel, a newspaper of general circulation in and for the City of Grand Junction, in accordance with the procedure for affording public notice.

5-14 HISTORIC PRESERVATION

5-14-1 PURPOSE. The purpose of this section is to enhance our community's local resources and to promote the public health, safety, prosperity, and welfare through:

- A. The protection and preservation of the City's architectural, historic and cultural heritage, as embodied in designated historic structures, sites, and districts, by appropriate regulations and incentives;
- B. The establishment of a City Register listing designated structures, sites and districts; and
- C. The provision of educational opportunities to increase public appreciation of Grand Junction's unique heritage.

5-14-2 BOARD ESTABLISHED. The City Council hereby creates an Historic Preservation Board, hereinafter in this Section 5-14 referred to as the "Board," which shall have principle responsibility for matters of historic preservation.

- A. **Membership** - The Board shall consist of a minimum of five (5) members and not more than seven (7) members providing a balanced, community-wide representation. When there are more than five (5) members of the Board, at least four (4) members shall be professionals or have expertise in a preservation-related discipline including but not limited to, history, architecture, planning, or archaeology. When there are five (5) members of the Board, there shall be at least three (3) such professionals. One (1) member shall be a member of the Downtown Development Authority (DDA) Board or an employee of the DDA. The Director of the Community Development Department and/or appointed department representatives shall serve as staff to the Board. The Council shall determine,

by resolution, the number of members of the board at the same time that the Council makes the appointments to the board.

- B. Appointments and Terms of Office - Members of the Board shall be appointed by the City Council and shall serve three-year staggered terms from the date of appointment.

Members may continue to serve until their successors have been appointed. Appointments to fill vacancies on the Board shall be made by the City Council. All members of the Board shall serve without compensation except for such amounts determined appropriate, in advance, by the City Council to offset expenses incurred in the performance of their duties. Members of the Board may be removed by the City Council without cause being stated.

- C. Quorum and Voting - A quorum for the Board shall consist of three members. A quorum is necessary for the Board to conduct business including holding a public hearing. A roll call vote shall be taken upon the request of any member. A tie vote shall be deemed a denial of the motion or recommended action.
- D. Officers - The Board shall, by majority vote, elect one (1) of its members to serve as chairperson to preside over the Board's meetings and one (1) member to serve as vice-chairperson. The members so designated shall serve in these capacities for terms of one (1) year.
- E. Meetings - The Board shall establish a regular meeting schedule. Minutes shall be kept of all board proceedings.
- F. Until such time that the members of the Board are appointed, City Council shall act as the Board.
- G. Powers and Duties

The Board shall after solicitation of public comment and at a properly noticed public meeting:

1. Recommend eligibility criteria for the designation of historic resources and for review of proposals to alter designated resources;
2. Review and determine qualifications of properties nominated for designation as either an historic structure, site or district and recommend to City Council approval or denial of a designation;
3. Upon property owner's request, review and make recommendations to the owner(s) on proposed alterations to a designated historic structure, site or district;

4. Advise and assist owners of historic properties on physical and financial aspects of preservation, renovation, rehabilitation and reuse, including nomination to the City Register, the State Register and the National Register of Historic Places;
5. Develop and assist in public education programs including, but not limited to, walking tours, brochures, a marker program for historic properties, lectures, exhibits and conferences;
6. Conduct surveys of historic sites, properties, and areas for the purpose of defining those of historic significance, and prioritizing the importance of identified historic areas. The Board may create a list of structures of historical or archeological merit which have not been designated;
7. Advise the City Council on matters related to preserving the historic character and substance of the City and recommend easements, covenants, licenses and other methods which would implement the completion of purposes of this ordinance; and
8. Actively pursue financial assistance for preservation-related programs.

H. The Board shall conduct its business in accordance with the Public Meetings Acts, Public Records Act and other laws applicable to local public bodies.

I. The Board shall propose to the City Council by laws as the Board deems necessary.

5-14-3 CITY REGISTRY ESTABLISHED. The City Council hereby establishes the City Register of Historic Sites, Structures and Districts. Historic sites, structures or districts may be listed on said register only if said site, structure or district has been designated by the City Council following recommendation by the Board.

All properties listed on the National or State Register are eligible for the City Register but are not designated until approval, pursuant to this section, is obtained.

5-14-4 DESIGNATION OF HISTORIC STRUCTURES, SITES AND DISTRICTS

A. Pursuant to the procedures set forth in this section, the City Council may, by resolution:

1. Designate as historic an individual structure, site or other feature or an integrated group of structures and features on a single lot or site having a special historical or architectural value; or
2. Designate as an historic district an area containing a number of structures or sites having a special historical or architectural value.

- B. Each such designation shall include a description of the characteristics of the structure, site or historic district which justify its designation and a description of the particular features that should be preserved, and shall include a legal description of the location and boundaries of the historic structure, site or district.
- C. No individual structure or site will be designated without the consent of all owners of record. Historic districts may be designated in accordance with State law and the provisions in this section.
- D. The purpose and effect of designation is:
 - 1. To assist local groups interested in preservation of physical structures, sites or districts, and to recognize locally significant structures, sites or districts;
 - 2. To provide a mechanism to educate the public on local history, development of the community, architectural styles, and housing and business development;
 - 3. To enable the owners of the property in the City to take advantage of historic preservation programs and opportunities; and
 - 4. To make all properties listed on the City Registry eligible for such incentive programs as may be developed.

5-14-5 PROCEDURES FOR DESIGNATING HISTORIC STRUCTURES, SITES AND DISTRICTS FOR PRESERVATION

- A. A nomination for designation listing in the City Register may be made by the Board or by any citizen by filing an application with the Community Development Department. The applicant shall pay all public notice expenses, recording fees and any other fees established by resolution of the City Council.
- B. Board Review
 - 1. The Board shall hold a public meeting on the designation application no more than thirty (30) days after the filing of the application.
 - 2. The Board shall review the application for conformance with the established criteria for designation and with the purposes of this section.
 - 3. Within ten (10) days after the conclusion of the public meeting, but in no event more than thirty (30) days after the meeting, unless mutually agreed by the Board, the applicant, and the owner or owners other than the applicant, the Board shall recommend either approval, modification and approval or disapproval of the

application. The Board may recommend approval conditional upon the execution of certain easements, covenants, or licenses.

4. The Board shall forward to the City Council in writing any recommendation concerning a designation and further state any recommendations as to easements, covenants, or licenses that must be met by the property owner to receive and/or maintain the designation.

C. City Council Review

1. The City Council shall hold a public hearing on the designation application no more than thirty (30) days after receipt of the Board's recommendation.
2. The City Council shall review the application for conformance with the established criteria for designation and with the purpose of this section.

D. When a structure, site or historic district has been designated as provided herein, the Director of Community Development shall promptly notify the record owners of the property, according to the County Assessor's records or other available information, and record the designation with the County Clerk and Recorder.

E. Limitation on Resubmission and Reconsideration of Proposed Designation - Whenever the City Council disapproves a proposed designation, no person shall submit an application that is the same or substantially the same for at least one (1) year from the effective date of the final action on the denied application.

5-14-6 CRITERIA FOR DESIGNATION. The Board and City Council will consider the following criteria in reviewing nominations of properties for designation.

A. Structures - Structures must be at least fifty (50) years old and meet one (1) or more of the criteria for architectural, cultural or geographic/environmental significance. A structure can be exempted from the age standard if the Council finds it to be exceptionally important in other criteria.

1. Historic structures or sites shall meet one (1) or more of the following in order to be considered for designation.

- a. Architectural:

Exemplifies specific elements of an architectural style or period;

Is an example of the work of an architect or builder who is recognized for expertise nationally, state-wide, regionally, or locally;

Demonstrates superior craftsmanship or high artistic value;

Represents an innovation in construction, materials or design;

Represents a built environment of a group of people in an era of history;
Exhibits a pattern or grouping of elements representing at least one of the above
criteria; or

Is a significant historic remodel.

b. Cultural:

Is a site of historic event that had an effect upon society;

Exemplifies cultural, political, economic or ethnic heritage of the City; or

Is associated with a notable person or the work of a notable person.

c. Geographic/Environmental:

Enhances the sense of identity of the City; or

Is an established and familiar natural setting or visual feature of the City.

2. Prehistoric and historic archaeological structures or sites shall meet one (1) or more of the following:

a. Architectural:

Exhibits distinctive characteristics of a type, period or manner of construction;
or

Is a unique example of structure.

b. Cultural:

Has the potential to make an important contribution to the knowledge of the
area's history or prehistory;

Is associated with an important event in the area's development;

Is associated with a notable person(s) or the work of a notable person(s);

Is a typical example or is associated with a particular ethnic or other community group; or

Is a unique example of an event in local history.

c. Geographic/Environmental:

Is geographically or regionally important.

3. Each property will also be evaluated based on physical integrity using the following criteria (a property need not meet all the following criteria):
 - a. Shows character, interest or value as part of the development, heritage or cultural characteristics of the community, region, state, or nation;
 - b. Retains original design features, materials and/or character;
 - c. Is in the original location or same historic context if it has been moved;
 - d. Has been accurately reconstructed or restored.

B. Historic Districts

1. For the purposes of this section, a district is a geographically definable area including a concentration, linkage or continuity of sites, buildings, structures and/or objects. A district is related by a pattern of either physical elements or social activities.
2. Significance is determined by applying criteria to the pattern(s) and unifying element(s).
3. Nominations will not be approved unless the application contains written approval from owners of at least sixty (60) percent of the properties within the district boundaries.
4. Properties that do not contribute to the significance of the historic district may be included within the boundaries as long as the noncontributing elements do not noticeably detract from the district's sense of time, place and historical development. Noncontributing elements will be evaluated for their magnitude of impact by considering their size, scale, design, location, and/or information potential.
5. District boundaries will be defined by visual changes, historical documentation of different associations or patterns of development, or evidence of changes in site type or site density as established through testing or survey.

6. When districts are designated, applicable design guidelines and other appropriate restrictions may be included as part of the designation.
7. In addition to meeting at least one (1) of the criteria as outlined in subsection 8 of this subsection (B), the designated contributing sites and structures within the district must be at least fifty (50) years old. The district could be exempt from the age standard if the resources are found to be exceptionally important in other significant criteria.

8. Historic districts shall meet one (1) or more of the following:

- a. Architectural:

Exemplifies specific elements of an architectural period or style;

Is an example of the work of an architect or builder who is recognized for expertise nationally, state-wide, regionally or locally;

Demonstrates superior craftsmanship or high artistic value;

Represents an innovation in construction, materials, or design;

Represents a built environment of a group of people in an era of history;

Is a pattern or a group of elements representing at least one of the above criteria;
or

Is a significant historic remodel.

- b. Cultural:

Is the site of an historic event that had an effect upon society;

Exemplifies cultural, political, economic or social heritage of the community; or

Is associated with a notable person(s) or the work of a notable person(s);

- c. Geographic/Environmental:

Enhances sense of identity of the community; or

Is an established and familiar natural setting or visual feature of the community.

d. Archaeology/Subsurface:

Has the potential to make an important contribution to the area's history or prehistory;

Is associated with an important event in the area's development;

Is associated with a notable person(s) or the work of a notable person(s);

Has distinctive characteristics of a type, period or manner of construction;

Is of geographical importance;

Is a typical example/association with a particular ethnic group;

Is a typical example/association with a local cultural or economic activity; or

Is a unique example of an event or structure.

5-14-7 REVIEW OF ALTERATIONS. The owner is requested to consult with the Board before making any alteration. The Board shall determine if the alteration is compatible with the designation.

- A. For the purposes of this section, the term "alteration" shall mean any proposed modification to a designated historic site, structure or district which could have an affect on the character of the historic resource relative to the criteria by which it was designated. Examples of alterations for structures may include additions, any exterior modifications, including signage to be affixed to the facade, and any interior modifications that may affect the characteristics for which the structure was designated.
- B. Criteria to Review Alterations - In reviewing a proposed alteration, the Board shall consider the project in terms such as design, finish, material, scale, mass and height. When the subject site is in an historic district, the Board must also find that the proposed development is visually compatible with the development on adjacent properties, as well as any guidelines adopted as part of the given Historic District designation. For the purposes of this section, the term "compatible" shall mean consistent with, harmonious with and/or enhances the mixture of complementary architectural styles either of the architecture of an individual structure or the character of the surrounding structures.

The Board will use the following criteria to determine compatibility of a proposed alteration:

1. The effect upon the general historical and architectural character of the structure and property;
2. The architectural style, arrangement, texture and material used on the existing and proposed structures and their relation and compatibility with other structures;
3. The size of the structure, its setbacks, its site, location, and the appropriateness thereof, when compared to existing structure and the site;
4. The compatibility of accessory structures and fences with the main structure on the site, and with other structures;
5. The effects of the proposed work in creating, changing, destroying, or otherwise impacting the exterior architectural features of the structure upon which such work is done;
6. The condition of existing improvements and whether they are a hazard to public health and safety; or
7. The effects of the proposed work upon the protection, enhancement, perpetuation and use of the property;

5-14-8 REVOCATION OF DESIGNATION.

- A. If a building or special feature on a designated site has been altered in such a way so as to negate the features necessary to retain designation, the owner may apply to the Board for a revocation of the designation or the Board shall recommend revocation of the designation to the City Council in the absence of the owner's application to do so.
- B. If a designated structure is moved or demolished, the designation shall, without notice and without Board recommendation, automatically terminate. If moved, a new application for designation at the new location must be made in order for designation to be considered.
- C. Upon the City Council's decision to revoke a designation, the Department of Community Development shall cause to be prepared a notice to the property owner(s) of the revocation.

5-15 MINERAL EXTRACTION, WASHING, CRUSHING, CEMENT BATCH PLANTS, AND ASPHALT PLANTS

5-15-1 PURPOSE

It is the purpose of this Section to establish reasonable and uniform limitations, safeguards, and controls in order to achieve conservation and wise utilization of natural resources and for

reclamation of extracted land. Gravel extraction and/or processing activities should be located and conducted on parcels of sufficient size so that extraction and reclamation can be undertaken while still protecting the health, safety and welfare of the area and the City. Where the location of the use abuts other zoning or land uses, excavation may be restricted and/or reclamation may be accelerated to be compatible with and protect the adjoining use.

5-15-2 PROCEDURE FOR MINERAL EXTRACTION AND SITE RECLAMATION

The commercial extraction of mineral deposits with necessary accessory uses shall not begin or occur until an excavation and land reclamation plan have been approved in writing. Any plan approved and being followed under previous regulations fulfills this requirement. Related uses, including but not limited to asphalt plants, shall be subject to Conditional Use Permit requirements. A plan shall contain, in addition to those relevant requirements outlined for a Conditional Use Permit, the following:

- A. A detailed description of the method of extraction and reclamation to be employed, including any necessary accessory uses such as, but not limited to, crushers, batch plants and asphalt plants.
- B. An extraction plan showing the areas to be mined, location of stockpile area, location of structures, general location of processing equipment, with accompanying time schedules, fencing if applicable, depth of deposit, tons in the deposit and other pertinent information.
- C. A detailed reclamation plan showing proposed reclamation with time schedules including, but not limited to, finish contours, grading, sloping, types, placement, and amount and type of vegetation, post-extraction land use plans and any other relevant information.
- D. Topography of the area with contour lines of sufficient detail to portray the direction and rate of slope of the land covered in the application.
- E. Type, character, and density of proposed vegetation both during excavation and as a component of rehabilitation.
- F. The operator's estimated cost at each of the following segments of the reclamation process, including where applicable, backfilling, grading, reestablishing topsoil, planting, revegetation management, protection prior to vegetation establishment and administrative cost.
- G. A drainage report and drainage plan prepared by a Colorado registered professional engineer with consideration of natural drainage, drainage during excavation and drainage after reclamation such that the proposed reclamation and excavation will have no adverse effect in excess of natural conditions. (Where applicable, the Administrator may require a floodplain permit (see Section 5-8, Flood Damage Prevention Regulation).

- H. Traffic analysis which reviews road and safety conditions in the pit area and in the vicinity of the pit area. This shall include ingress/egress, parking and loading areas, on site circulation, estimate of number of trucks per day on the average and maximum number of trucks per day (ranges are acceptable).
- I. Additional information as may be required by the City Community Development Department.
- J. Upon approval, the excavation and reclamation plans shall be filed with the City and recorded with the Mesa County Clerk and Recorder. Any change in excavation or reclamation plan shall be prohibited unless amended through the Conditional Use Permit process.

5-15-3 OPERATION AND RECLAMATION STANDARDS FOR ALL MINING AND MINING-RELATED OPERATIONS

Mining, necessary and appropriate accessory uses and mining-related uses shall be subject to the following conditions and to the approved excavation and reclamation plan:

- A. A permit to excavate issued by the State of Colorado in conformance with the Open Mining Land Reclamation Act.
- B. Excavation or deposit of overburden is not permitted within 30 feet of a boundary of an adjacent property, an easement, an irrigation ditch or right-of-way unless by written agreement of the owner(s) of such property, easement, irrigation ditch or right-of-way.
- C. Excavation within 125 feet of an existing residence is not permitted unless by written agreement of the owners and occupants of the residence. No excavation involving the use of rock crushers, asphalt plant, cement batch plant or other similar equipment shall take place within 250 feet of any portion of a residence.
- D. At a minimum, a 100 foot greenbelt setback shall be provided from watercourses for protection of valuable plant life and wildlife areas. This standard may be varied by the Administrator based on Colorado Department of Wildlife comments concerning site specific factors. Existing trees and ground cover along public road frontage and drainageways shall be preserved, maintained and supplemented, if necessary, from the depth of the setback to protect against and reduce noise, dust and erosion.
- E. The owner or operator shall submit a route plan (haul route) to the Director of Public Works and shall receive permission to use the public right-of-way prior to any hauling. The Director of Public Works may consider, among other factors, the load limit, dust, right-of-way and pavement width and condition. The Director of Public Works may place restrictions on such right-of-way use. If permission is not received, the applicant shall prepare

alternative haul route(s) which shall impact the health, safety and welfare of the local area to a lesser degree.

- F. Haul roads within the premises shall be maintained in a reasonably dust free condition. This may include, depending on local conditions, watering, oiling, or paving as determined by the Administrator.
- G. Hours of operation shall be restricted to 6:00 a.m. to 7:00 p.m. The Administrator may authorize different hours, however, the Administrator may also restrict the hours of operation near residential or urbanized areas, as part of the conditional use permit.
- H. In no event shall a slope of steeper than 2:1 be left for dry pits. A pit with a slope of 3:1 or steeper shall not exceed a depth of 10 feet.
 - 1. The floor of excavation pits, whether wet or dry, shall be left in a suitable condition.
- I. The operator shall not excavate, store overburden, or dike in such a manner as to increase any drainage or flooding on property not owned by the operator or damage public facilities and/or property.
- J. Prior to starting excavation, where the operation is adjacent to subdivided and/or developed commercial, residential or industrial property, fencing may be required to screen the mining operation. Buffering and screening may be required if deemed necessary by the Administrator. Required fencing, screening and/or buffering shall not be removed until reclamation has been completed.
- K. Except in the I-1 and I-2 zone districts with approval through the Conditional Use Permit, after mining has been completed, the site is not to be used as an area to stockpile sand or gravel resources. The owner is to reclaim the property as rapidly as possible.
- L. Operations shall comply with noise, vibration and other applicable standards and requirements including those of the City of Grand Junction.
- M. All air emissions shall comply with standards established by the Mesa County Health Department, State Health Department and Colorado Air Quality Control Commission.
- N. All water uses and discharges shall conform to standards established by the State Water Pollution Control Commission and the laws of the City of Grand Junction, Mesa County Health Department and the State of Colorado.
- O. All slopes shall be stabilized. Land remaining at the natural water level must be revegetated in a manner compatible with the surrounding area.

- P. Revegetation plans are required and shall meet the standards of the Colorado Mine Land Reclamation Board.
- Q. All areas shall be revegetated after extraction is completed. After initial revegetation, the area must be maintained for a period of three years or until all vegetation is firmly established in the reclamation area.
- R. A time limit for reclamation will be placed on each project. Such a time limit will be dependent upon the type of reclamation effort.
- S. A development schedule shall be submitted describing the life span of the plan in years (ranges are acceptable) and, if applicable, the years per phase. Diligence in meeting this schedule is required, if not, the Conditional Use Permit may be revoked.
 - 1. Up to a two year extension may be granted by the Administrator if a written request is submitted to the Administrator. The request shall include the factors and reasons for the requested extension. New conditions may be imposed as a part of the granting of any extension.
 - 2. Requests for extensions up to five years and appeals of the Administrator's decision will be submitted to the Grand Junction Planning Commission to be considered at a public hearing. Extension requests will be evaluated on the same basis and with the same information as per the Conditional Use Permit process.
- T. If the use has not operated or if no material has been extracted within three years of obtaining the conditional use permit for mineral extraction and a request for extension has not been received and approved by the Grand Junction Planning Commission, the Conditional Use Permit will expire. A new application and extraction plan will need to be submitted and reviewed in the manner described in this section.
 - 1. Extension request shall provide information in writing detailing the reasons for the request. The Grand Junction Planning Commission will consider these reasons, as well as the extent conditions have changed in the area, if any, in granting extensions.
 - 2. Revocation of Conditional Use Permit: The Grand Junction Planning Commission shall have the power after hearing to revoke any conditional use permit for violation of any of these regulations or conditions imposed. Upon at least ten (10) days notice to the owner, the Grand Junction Planning Commission may hold a hearing to determine the nature and extent of the alleged violation, and shall have the power, upon showing a good cause, to revoke the permit, the plan and to require reclamation of the land.

**CHAPTER SIX
SUBDIVISION OF LAND**

6-1 SCOPE

No person shall record a plat of a subdivision or deed creating a new parcel with the Mesa County Clerk and Recorder unless such plat or deed has been approved by the Planning Commission or City Council, and unless it conforms to all of the provisions of this Code.

6-1-1 PURPOSE - The purpose of this chapter is:

- 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 the public improvement plans and programs of the several area governmental entities;
- E. to encourage well planned and well built subdivisions by establishing minimal standards for design and improvement;
- F. to improve land survey monuments and records by establishing minimal 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 to 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, parks, and public facilities to serve the population; and
- 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 Section 6-10-1. For adjustments to property lines where no new parcels are created, see Section 5-12.

6-2 VARIANCES

Variances from this Chapter may be allowed by the City Council at a regular hearing after recommendation by the Planning Commission.

6-3 PENALTY

No person shall sell, exchange, convey, transfer, or offer to sell, exchange, convey, or transfer any parcel of land or any portion thereof, except an entire parcel, unless such parcel has been approved by the Administrator.

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

6-4-1 ACCEPTANCE OF DEDICATION - It shall be the prerogative of the City Council to accept, accept with conditions, or reject the dedication of any land as public land.

6-4-2 ACCEPTANCE OF MAINTENANCE - Approval of a subdivision shall not constitute acceptance of roads, streets or public sites for maintenance. The City shall not be obligated to maintain any land(s) unless agreed to by the City Council.

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 a preapplication 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 not be required.

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

- A. Requirements and Processing - A major subdivision proposal shall receive a preapplication conference, preliminary plan process, and final plat process. See Sections 6-6, 6-7 and 6-8 of this chapter.

6-6 VICINITY SKETCH MAPS

Vicinity sketch maps may be submitted to the Administrator. The Administrator shall review the sketch to assure conformance with the requirements of this Code and schedule a preapplication conference with the applicant and project engineer to discuss the proposed plan. At the discretion of the Administrator 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 may occur at any meeting where a quorum is present.

6-7 PRELIMINARY PLAN REQUIREMENTS

6-7-1 FILING AND PROCESSING

- A. No submittal shall be accepted unless it is complete.
- B. Applicants shall submit the required preliminary plan materials to the Administrator in accordance with the established submittal and processing schedule.
- C. The Administrator shall distribute copies of the submitted material to the appropriate agencies for review (see Section 2-2-2).
- D. The Administrator shall present the preliminary plan, together with comments of reviewing agencies, to the Planning Commission at an official public meeting not later than sixty (60) days from the required submittal date except as provided in Section 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 act on the application within thirty-five (35) days of the initial presentation, unless the applicant consents to an extension.
- F. The applicant may request, in writing, cancellation of the project at any time. Cancellation of any project by an applicant will result in forfeiture of the required fees.
- G. Approval of a preliminary plan shall be valid for a period of only one year. If the final plat covers only a portion of the land area shown in the preliminary plan, such approval of the preliminary plan shall be automatically renewed for an additional period of one year following the approval date of each subsequent final plat, unless the Administrator notifies the applicant, in writing, to the contrary.

- H. The applicant shall plat the entire preliminary plan within five (5) years of the initial plan approval date. After this five (5) years, approval of unplatted portions of the preliminary plan shall be considered void unless the Administrator finds that no significant changes requiring re-review have occurred.
- I. All required perimeter rights-of-way shall be dedicated to the City at the same time a preliminary plan is approved.

6-7-2 SUBMITTAL REQUIREMENTS

- A. Engineering information submitted on preliminary plans is not intended to be detailed design. It should show intent and answer basic engineering questions. A preliminary plan constitutes the primary step in this review process. 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 materials required at the preapplication conference to the Administrator. Additional copies or materials may be required if the Administrator deems them necessary. Submittals shall address all comments of the preapplication conference. The preliminary plan shall include what is outlined in the SSID Manual and any additional information needed in order to adequately review the proposal.

6-7-3 PRELIMINARY PLANS SHALL:

- A. conform to adopted plan(s) and policies;
- B. be compatible with the future development of adjacent properties under the "then existing" zoning;
- C. provide for functional arrangement of lot sizes for compliance with zoning;
- D. provide correct naming of streets;
- E. conform to the design standards in the SSID Manual and other applicable development standards; and
- F. provide basic engineering solutions of all major physical site problems, i.e. drainage.

6-7-4 WITHDRAWING PRELIMINARY PLAN FROM AGENDA - 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 the Administrator. Petitioner shall receive written notice outlining reasons for that action.

6-8 FINAL PLAT REQUIREMENTS

6-8-1 FILING AND PROCESSING

- A. Applicants shall submit the required final plat materials to the Administrator in accordance with the established submittal schedule. Only complete submittals shall be accepted.
- B. Submittals shall be reviewed in accordance with Section 2-2-2.
- C. The final plat shall conform with the preliminary plan approval. A portion of the land area within the preliminary plan may be approved for platting.
- D. If the Administrator determines that all requirements for approval of the preliminary plan have been met in the final plat, and that all concerns received from review agencies have been adequately addressed, he/she shall schedule the final plat for consideration at the next regularly scheduled meeting of the Planning Commission.
- E. Upon receipt and consideration of the final plat, the Planning Commission shall either approve, approve with conditions, or deny 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 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 when it has been modified to reflect improvements in design or changes which have occurred since the time of the preliminary plan review and approval. The Administrator may require submittal of material(s) necessary to adequately review any changes; and will advise the applicant on the appropriate submittal requirements and process, based on 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. If approval is obtained, the surveyor or engineer shall then make any changes necessary to comply with final approval conditions and submit the original, signed and notarized by all persons who have a recorded interest in the lands subject to the plat, to the Administrator.

6-8-2 SUBMITTAL REQUIREMENTS

- A. The applicant shall provide the Administrator with the number of copies necessary to comply with review requirements of Section 2-2-2. The final plat submittal shall include what is outlined in the SSID Manual and any additional information needed in order to adequately review the proposal.

B. The following reports, maps, or texts shall be required if applicable. See SSID Manual for requirements of reports.

1. Site characteristic and development plans - The following plans and reports are interrelated. They may be shown on the same sheet if it 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 identify the names of each owner of all property included on the plat and each person 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 title commitment 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 intersects 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. Names and addresses of all adjacent (see definition) property owners within two hundred feet (200') of all boundaries of the property, unless adjacent property owners have received notification of a preliminary plat submittal within six (6) months of the final submittal.
8. Names and addresses of all surface owners, mineral owners, and lessees of mineral owners as required by C.R.S. 31-23-215 unless previously submitted with a preliminary plan application.

6-8-3 WITHDRAWAL OF FINAL PLAT FROM AGENDA - Provisions of paragraph 6-7-4 also apply to final plats.

6-9 RECORDING OF THE FINAL PLAT

6-9-1 WHO RECORDS - The Administrator 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, a mylar copy and one eleven inch by seventeen inch (11" x 17") mylar reduction, 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 along with all necessary recording fees. The plat shall contain notarized signatures of each owner of the property, necessary engineer's and surveyor's signatures, and corporate seal, if required. All signatures on the plat shall be in permanent black ink.
- B. The Administrator shall obtain the applicable signatures of public officials required on the plat and present the signed plat to the County Surveyor for review. Any fees charged by the County Surveyor shall be charged to the applicant. Upon completion of the Surveyor's review and payment of fees, the Administrator shall record the plat at the office of the County Clerk and Recorder. (Clerk & Recorder fees to be paid by the applicant.)
- C. Upon recording the plat, applications for planning clearances and building permits may be submitted in accordance with the provisions of this Code.
- D. If the applicant does not complete all steps in preparation for recording within one year, the plat shall require re-review and processing as per the final plat processing procedure.

6-10 RELATED PROCEDURES

6-10-1 ADJUSTMENT OF LOT LINES - No lot lines may be adjusted without complying with the requirements of this Code.

- A. Lot lines may be adjusted or revised from those shown on a recorded plat by filing a replat, 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 Section 5-1-7J).
 - 2. Easements shall not be changed.

3. Street locations shall not be changed.
 4. The plat shall not be altered unless the Administrator determines that such alteration will not adversely affect the character of the previously recorded plat or the character of the area.
 5. A replat to the subdivision shall be recorded showing all such changes. The replat shall meet all requirements of a final plat as established in the SSID Manual.
 6. No additional lots shall be created.
- B. Should all the requirements of paragraph A. above be met, the replat shall be submitted to the Administrator. Submittal requirements are as per the Submittal Standards for Improvements and Development (SSID) Manual.
- C. The Administrator will review the replat in accordance with the requirements of this Code. Should the replat meet all the requirements of this Code, the Administrator shall approve the replat. Recording of the replat shall be as per Section 6-9.
- D. If the replat does not meet the requirements of A., the project shall require all processes and approvals of a subdivision as set forth in this chapter.
- E. When one or more parcels are included in a proposed subdivision and one or more of the parcels has never been platted, the project shall require all processes and approvals of a subdivision as set forth in this Chapter. If no additional lots are created then Section 6-10-1 shall apply. If additional lots are created, then processing shall occur through Sections 6-5-1 or 6-5-2.
- F. For boundary line adjustment of unplatted lots see Section 5-12.

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 an amended 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 the full approval process in accordance with final plat requirements and the recording of the corrected plat.

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 zones are established to provide for project variety and diversity through the modification of conventional zoning as set forth in Chapter Four, 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 land development and service delivery so that there are resulting economies to the public and the developer.
- 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, roads and highways.
- G. To preserve the value of land.
- H. To allow flexibility in application of the zoning requirements as set forth in Chapter Four 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 nor which allows "spot zoning."
- I. To encourage integrated planning in order to achieve the above purposes.
- J. To encourage the building of new communities and incorporating the best features of modern design.

7-1-2 PLANNED DEVELOPMENT - 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, 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, and natural resources, and which 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 PLANNED RESIDENTIAL (PR) - The following uses may be permitted within a PR Zone at the discretion of the City Council 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 PR 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 Section 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 PR which are not objectionable because of traffic generation, emission of dust, odor, fumes, vapor, smoke, noise, light, refuse matter, or vibration.

7-2-2 PLANNED MOBILE HOMES (PMH) - The following uses may be permitted within a PMH at the discretion of the City Council 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. All uses permitted in PR zones are allowed.

7-2-3 PLANNED TRADE DEVELOPMENTS

- A. Unlike a neighborhood business and/or commercial center within a PR or PMH zone, 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 that may be allowed in PD zones are generally those enumerated as set forth in the respective Business, Commercial, and Industrial zones, elsewhere defined in this Code. Each PD application shall provide a list of specific uses requested. Only those uses specifically approved shall be authorized in the PD. The Planning Commission and/or the City Council (depending on which has final approval authority) may add to, delete, or otherwise modify the list of requested uses. The Administrator may approve other uses which are similar in scope and impact. No person shall initiate or maintain a use unless such use has been approved in accordance with the provisions of this Code.

7-2-4 PLANNED RECREATION (PREC)

- A. The following uses may be permitted:
 - 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 uses 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. 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 City Council may, after considering the recommendation of the Planning 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 Section 7-1, and submitted data.
- C. A request for a PREC shall be accompanied by a Recreational Development Plan, consisting of both a short-term plan specifying development planned for the subsequent three (3) years and a long-term plan describing the expected maximum development within the zone. The Recreational Development Plan shall further distinguish between primary and secondary Recreational uses.
- D. The Planning Commission and the City Council 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 serve the recreational users of the development.
- F. The Planning Commission and the City Council 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 PLANNED AIRPORT DEVELOPMENT (PAD)

- A. The following uses may be allowed within a PAD at the discretion of the City Council 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 approved by the Airport Authority if such uses are shown on an overall Airport Plan and receive favorable recommendations/signoff, as applicable, from the Administrator.
- 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. No use shall be allowed in a PAD zone unless the requirements of Sections 7-3 and 7-4-7 are met.
- E. For all development requests in a PAD zone, the Airport Authority will be a review agency.

7-2-6 PLANNED RECREATIONAL VEHICLE RESORT (PRVR) - This zone provides 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.

This zone encourages 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. No person shall occupy any unit in a PRVR more than two hundred and seventy (270) consecutive days nor more than two hundred seventy (270) days in any calendar year. A PRVR may be developed with rental or lease spaces (see Section 7-2-6C), 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 City Council:
1. one recreational vehicle 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 Section 7-2-6A.2;
 2. one manager's office 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 identification sign as provided in the City Sign Code (see Section 5-7); and
11. temporary construction buildings and yards necessary during the actual development of the park.

B. **Development Standards: General** - The owner(s) and occupants of all PRVR's shall comply with the following general standards as well as the standards in Section 7-2-6C or Section 7-2-6D 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 are adjacent to a public right-of-way. The masonry wall shall be set back ten feet (10') from the property line, and the strip between the wall and property line shall be landscaped. The developer/owner shall provide for the perpetual maintenance of 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 to ensure the compatibility of the resort and adjacent land uses.
3. Access to all recreational vehicle spaces shall only be from the interior streets of the resort. There shall be no public streets within a recreational vehicle park unless

required by the City. There shall be no individual access to any recreational vehicle space from any public right-of-way.

4. The developer/owner shall construct and maintain sidewalks which are at least two feet (2') in width. Such sidewalks are required for pedestrian safety and shall serve as edgings for 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 automobile parking space shall be provided for each recreational vehicle space.
6. The developer/owner shall provide opaque screening fences or walls surrounding three (3) sides of all canister-type refuse collection facilities.
7. Single story detached storage buildings, not exceeding one hundred (100) square feet in gross area, are permitted on each recreational vehicle space. All storage buildings shall be located in the rear half of the space. No setbacks are required.
8. All patio awnings or covered carports shall comply with the current Uniform Building Code and other related codes.

C. The minimum development standards for PRVR's containing unsubdivided rental or lease spaces are as follows:

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. Each recreational vehicle space shall be at least one thousand two hundred (1,200) square feet in area.
 - a. The minimum space width throughout shall be twenty-eight feet (28').
 - b. The minimum space depth throughout shall be forty feet (40').
3. The owner and occupant shall maintain 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 each side and 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

right-of-way or private streets, vehicle storage areas, and exterior boundary landscaped 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-six feet (26') in width from edge of pavement to edge of pavement. Streets shall be designed by an engineer and shall be approved by the City Engineer prior to any construction.
6. The owner of each PRVR shall provide for a full-time management staff to handle the daily enforcement and property management of the PRVR. The owner shall be in violation of this Code if the PRVR is not in current compliance with all City requirements.

D. Development Standards for PRVR's which are subdivided for individual lot ownership are: (These developments shall also meet the appropriate requirements of Chapter Six 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 mean 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 thirty-five feet (35');
 - b. The minimum lot depth at all points shall be 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 right-of-way 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 an engineer and shall be approved by the City Engineer prior to any construction.

6. A minimum of one visitor parking space is required for each ten (10) recreational vehicle lots.
7. Each PRVR subdivision shall be required to have a property owner's association with a board of directors which 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 ensure that the PRVR subdivision is in current compliance with all City requirements.

E. Development Standards for combined PRVR's.

If a PRVR has facilities serving both subdivided lots and rental or leased spaces, the higher, or more restrictive standards of Sections 7-2-6C or 7-2-6D shall apply.

7-3 GENERAL PROVISIONS

7-3-1 CONTRACTUAL AGREEMENT - Approval of a PD allows the development and use of a parcel of land under certain specific conditions. These conditions of approval shall be filed with the Administrator after each subsequent stage in the review process and official actions. No use of the parcel, nor construction, modification, or alteration of any use or structures within a PD project shall be permitted unless such construction or use complies with the terms and conditions of the approved plan. Each subsequent owner and entity created by the development, such as property owner's associations or an architectural review committee, shall comply with the terms and conditions of approval. A seller of a property which is zoned PD or which is in the process of receiving such zoning approval shall apprise the buyer of the terms and conditions of the PD approval. The City bears no liability for misrepresentation of terms and conditions of an existing approval. The developer shall set forth the conditions of approval within covenants. Such covenants shall be recorded with the final approved plan and plat.

7-3-2 CONFORMANCE WITH SUBDIVISION REVIEW - Subdivision review, in accordance with the subdivision chapter, shall be carried out simultaneously with the review of a PD.

7-3-3 CONFORMANCE WITH SUBDIVISION REQUIREMENTS - The development plans submitted under Section 7-4 shall satisfy the requirements of the subdivision regulation for preliminary plans and final plats.

7-3-4 FINAL PLAT NOT REQUIRED - The requirements of this chapter and those of Chapter Six shall apply to all PD's 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 BUILDING CODES - Conventional zone district requirements regarding bulk, height, density, and open space may be varied 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 TRANSFER OF OWNERSHIP - No person shall sell, convey, or transfer ownership of any property or any portion thereof within a planned development zone until such person has informed the buyer of the property's exact status with respect to the planned development process and conditions of approval.

7-3-7 PLANNED DEVELOPMENT ZONE DESIGNATION - The Administrator shall designate each approved PD on the Official Zoning Map by specifying the type of PD and the official development file number (e.g. PR36-88, PB16-86).

7-3-8 DENSITY CRITERIA - The criteria used to determine the appropriate density in any PD 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 area, including jobs, shopping and community facilities. In general, PD's 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 currently exists any hazardous vehicular congestion on streets and highways or at intersections in the vicinity.
- H. If there are any hazard areas or environmental constraints affecting 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 (see Section 7-1).

7-4 SITE PLANNING AND DESIGN REQUIREMENTS

7-4-1 EXTERNAL RELATIONSHIPS - Site Planning within a PD shall protect the development from potentially adverse surrounding influences and shall also protect surrounding areas from potentially adverse influences of the development.

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

7-4-2 SCREENING - Fence, wall and/or vegetative screening shall be provided where needed to protect adjacent owners/occupants from undesirable views, lighting, noise, or off-site influences, and shall also protect occupants of adjoining uses from similar adverse influences of the PD. In either case, screening shall be designed to control the existing or potentially adverse views from existing or future first floor windows in the PD and other adjoining uses or zones. Screening requirements may be waived if 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, planting additional trees and other flora, and other site features. Additional new plant material shall be added for privacy, shade, beauty of buildings and grounds and to screen objectionable features (see also Sections 5-4-15, 5-1-4, 5-6-6 and Definitions).

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. Selected plant materials shall be: in scale with the composition of the buildings, the site, and its various uses and surroundings; arranged to harmonize in size, color, texture, and year-round characteristics of the buildings and the development of the grounds.
2. Plant materials shall be indigenous to this area or be readily adaptable to the climate and soil conditions. They shall not be excessively weedy in habit or growth characteristics or unduly susceptible to noxious pests or plant diseases which would seriously impair their function or permanence or greatly increase maintenance costs. New plant materials which might be injurious to local plants or agricultural products by serving as an intermediate host to pest or plant diseases are specifically prohibited. Plant materials 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. Required lawn areas shall consist of a thick stand of permanent grass or other approved ground cover.
- D. Landscaping shall be watered, replanted, and permanently maintained or replaced as necessary.

7-4-4 CIRCULATION - Circulation (e.g. streets, roads, pedestrian walks, trails, bicycle ways, parking and service areas) shall be designed and constructed as follows:

- A. Every principal structure shall have safe and convenient access to a public street or road, including 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 used by substantial numbers of children as play areas or routes to school in order 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 as is consistent with use, shape of the site, and the convenience of the occupants.

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 left existing as isolated unrelated fragments.
- B. Open space areas and common facilities shall be deeded to a property owner's association or corporation, or dedicated to a public body (if acceptable to the City Council). If not dedicated, the developer shall include provisions in the final documents to ensure perpetual maintenance. In the event that such areas are not maintained, the City may cause such maintenance to be performed and to assess the cost of same to the property owners within the PD.

- C. Site planning and design shall preserve, to the maximum extent possible, the existing natural features which enhance the attractiveness of the area (such as vegetation, watercourses and historic features) and shall blend harmoniously with all uses and structures contained within and surrounding the PD.

7-4-6 SITE CHARACTERISTICS

- A. Buildings and site improvements, including the scale, character, and orientation thereof, shall be compatible with present and future neighborhood uses.
- B. A PD approval may be conditioned on whether or not the PD promotes:
 - 1. solar energy uses;
 - 2. cooling efficiency;
 - 3. utility lines efficiency;
 - 4. streets and roads efficiency;
 - 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.); and
 - 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 be given to preservation of areas of significant natural amenities. Those areas determined 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 each proposed planned trade use regardless of the specific type of planned zone in which it is proposed.

- A. Uses shall be located and designed to provide direct access from the PD to secondary or major streets without creating congestion or traffic hazards on any street. Buildings and parking areas shall be oriented 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 both the character of the PD and that of 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 be designed to minimize congestion or hazards to pedestrian or vehicular traffic.
- D. A PD which contains several trade uses shall be planned in 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 utilize landscaping and screening to buffer parking areas, loading docks, and outdoor storage of materials and products from adjacent residential zones or uses.

7-5 ADMINISTRATIVE PROCEDURES AND REQUIREMENTS

7-5-1 APPLICATION - An applicant shall apply to the Administrator for approval of the PD. The application shall include an Outline Development Plan for the entire property or tract. The applicant may file a combined Outline Development Plan with a Preliminary Development Plan or Final Development Plan for a portion of the property, as determined applicable by the Administrator at a preapplication conference.

7-5-2 SPECIFIC OR DESIGN DENSITY - The City Council 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 City Council 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 the maximum density, fully contingent upon approval of the subsequent submittal. The design density does not constitute a commitment to approve subsequent submittals. The specific density shall then be established at the time of the subsequent submittal.

7-5-3 OUTLINE DEVELOPMENT PLAN - The Outline Development Plan does not require in-depth site analysis, but serves to generally define the proposal in order to determine whether 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 the detail requirements listed below. A

developer may either voluntarily submit more detailed information, or the Planning Commission and City Council may require more detailed information when necessary to make a decision.

A. Submittal Requirements - An Outline Development Plan attached to a rezone petition requesting a PD zone shall include the following general information and must 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 which 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 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 which shall contain the following information:
 - a. The approximate number of acres in each proposed land use;
 - b. The density being requested;
 - c. The character and density of dwellings, structures or uses on each portion of the property;
 - d. Soil types and their respective boundaries, based on Soil Conservation Service information;
 - e. Developments of forty (40) acres or more shall indicate whether portions of the total land area will be phased; projects of less than forty acres shall submit the entire area for preliminary review at one time;
 - f. Proposed schedule of development;
 - g. Legal description of the area proposed for rezoning;
 - h. Names and addresses of all adjacent (see definition) property owners within two hundred feet (200') of all boundaries of the property.
3. Section 7-1 (General) and Section 7-3 (General Provisions) shall be complied with in preparation of the Outline Development Plan.

B. Processing Procedures

1. Within sixty (60) days following 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 written recommendation addressing the zoning petition shall be forwarded to the City Council within thirty-five (35) days following the Planning Commission hearing. Appeals of the Planning Commission decision on the plan may be made in the manner set forth in Section 2-2-2C of this Code.
2. Within thirty (30) days of the receipt of the Planning Commission recommendation, the City Council shall hold a public hearing on the rezoning petition.
3. Within thirty (30) days of its hearing, the City Council 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 Official Zoning Map. Pursuant to an appeal of the Outline Development Plan, the City Council 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 be construed as an approval for a subsequent preliminary plan, densities, or uses unless a prior commitment is made.
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 City Council or Planning Commission, depending on which approved the plan, may for good cause shown, extend the preliminary submittal deadline.

7-5-4 PRELIMINARY PLAN

- A. A Preliminary Plan constitutes a major step in the review process. The submittal 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. The City Council may limit the density on all or any portion of a PD if it determines that the design fails to fulfill the purposes of this Code and Chapter. All required perimeter rights-of-way shall be dedicated at the time the Preliminary Plan is approved.
- B. Submittal Requirements - All materials required by the SSID Manual and any additional information needed in order to adequately review the proposal.
- C. Processing Procedures

1. Within sixty (60) days following the submittal of the Preliminary Plan, the Planning Commission shall review the plan at its public meeting. Within thirty-five (35) days of the public meeting, the Planning Commission shall accept, reject, or require modifications to the Preliminary Plan. An appeal of the Planning Commission decision may be made as set forth in Section 2-2-2C.
2. The City Council shall review the density proposal, and upon appeal, the Preliminary Plan, at a public hearing within thirty (30) days following the receipt of the Planning Commission recommendation. The City Council shall consider the contents of the Preliminary Plan submittal and the recommendation of the Commission. It shall then accept, reject, or require modifications to the Preliminary Plan within thirty (30) days of its hearing. The City Council shall set the specific density.
3. If the Preliminary Plan proposes multiple phases, specific densities shall be assigned to each phase. Density at each preliminary phase shall be justified by specific design. A non-utilized density from one phase may be carried over to another phase.
4. The Administrator has the right to require changes in the PD throughout the Preliminary Plan 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. If a Preliminary Plan is approved, the applicant shall submit a Final Development Plan and Final Subdivision Plat application in accordance with the approved development schedule. Approval of a Preliminary Plan is effective in accordance with the subdivision regulation (Chapter Six). An approved Preliminary Plan may be platted by more than one individual final plan and plat.
6. A Homeowners Association or corporation shall be created to maintain and administer the project's lands or facilities. 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 Section 7-3-4).
 1. All materials required by the SSID manual and any additional information needed in order to adequately review the proposal.
 2. The applicant shall meet all requirements of the Final Plat section of Chapter Six.

3. A proposed Final Development Plan shall be submitted, which finalizes the information submitted during the Preliminary Plan stage.

B. Processing Procedures

1. Within sixty (60) days following submittal of the Final Development Plan, the Planning Commission shall review the Final Plan and Plat at its public meeting. It shall accept, reject, or require modifications to the Final Plan and/or Plat within thirty (30) days of its hearing. An appeal of the Planning Commission's decision may be made in accordance with the provisions of Section 2-2-2C.3.
2. Upon receipt of an appeal, the City Council shall review the Final Development Plan and Plat and Planning Commission recommendation at its regular meeting. The City Council shall accept, reject, or require modifications to the Final Plan and/or Plat within thirty days (30) of its hearing.
3. Upon final approval, the plan and plat shall be recorded in accordance with the provisions of Chapter Six. The final plat shall contain all of the following information which is pertinent to the PD: the setbacks, a list of approved and/or specifically excluded uses, and any pertinent conditions or stipulations which were previously made or imposed.
4. All proposed publicly- 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; and

- j. irrigation water delivery system for all lots.
5. Unless the time limit established by the final development schedule has expired, building permits for buildings which conform to the recorded Final Development Plan may be issued. If the time limit established by the final development schedule has expired, the requirements of Section 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 or agencies under the following procedures:

- A. Minor changes may be authorized by the Administrator under the following conditions, providing those changes are required by engineering, technical, or other circumstances not originally foreseen at the time the final plan was approved. No such change may increase the floor area to land area ratio by more than ten percent (10%).
 - 1. The applicant for a minor change to a final plan shall provide the Administrator with envelopes containing notice of the requested change which are stamped and addressed to each person who testified concerning the project at any prior public meeting. The Administrator shall mail this notice a minimum of seven (7) days prior to taking any action on the request.
 - 2. 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 type of landscaping and/or screening so long as the approved character and intent is maintained;
 - b. changes in the orientation of portions of parking areas so 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 so long as those changes will not impact adjacent properties or uses.
- B. All other changes, including changes in the approved Final Plan, shall be deemed "major" and shall be approved only by the Planning Commission or, upon appeal, the City Council after review of a revised Final Plan and/or Plat. No amendments may be made in the approved Final Plan unless the applicant establishes that such amendments are required as a result of: changes in conditions which occurred after final plan approval; changes in the

development policy of the community; or by conditions that were reasonably unforeseen at the time of Final Development Plan approval.

- C. Any changes which are approved for the final plan and/or plat shall be recorded as amendments to the previously recorded plan and/or plat.

7-5-7 ENFORCEMENT OF DEVELOPMENT SCHEDULES - If the developer(s) of a planned development do(es) not meet the approved development schedule, or fail(s) to commence development within three (3) years from the date of final approval and no other development schedule has been approved in writing by the Administrator, the Administrator shall/may initiate the following process:

- A. The Administrator will write to the developer(s) of the project notifying such person that the planned development approval is subject to revision. Such notice shall indicate that the land use approval for the property will, if the revocation occurs, be changed to that zone in existence prior to the planned development or to another category consistent with adopted land use plans (master plans) and policies.

- 1. If the developer(s) request(s) an extension in writing and if the Administrator finds, in writing, sufficient justification, the Administrator may extend the project's development schedule for up to one year from the date of such findings. The public interest is generally served by the granting of one extension request if delays were unavoidable due to circumstances beyond the developer's control, such as, but not limited to, unavoidable delays in extending trunk sewer or water lines, unexpected construction complications, or other non-economic factors. The request for extension must state specific reason(s) for the extension. If specific reason(s) are not given, the Administrator may treat the request for an extension as incompliant and shall deny it. If, due to circumstances unrelated to the planned development, the public interest would be better served by modifying the planned development, the Administrator may condition any such extension as he/she may reasonably determine. The Administrator will consider these reasons in deciding whether to grant, deny, or grant with conditions, an extension. The Administrator may require additional information and updated information and/or changes to the plan, prior to allowing the developer to begin construction. For purposes of this section, "construction" shall include but not be limited to all earthwork, construction of building, foundations, fences, sewer lines, water lines, gas lines, electric lines, phone service, and any other public or private improvements.

If the project does not commence within the approved time, the Administrator shall schedule the planned development item for the Planning Commission to consider if the approval(s) should be revoked or rescinded, what conditions or changes should apply to any additional extensions. The Planning Commission may, after hearing: either revoke the plan and recommend revocation of the zone to the City Council;

extend the project schedule; or extend the project and/or its schedule with conditions or changes.

2. If the developer requests in writing to revoke the project, the Administrator will schedule the item for Planning Commission's consideration.

B. Lapse of Plan and Rezone - If a Planned Development, or any portion thereof, has not been completed in accordance with an approved development schedule (a "lapse"), the Administrator shall schedule the project before the Planning Commission at which time a revocation of all prior approvals shall be considered. If the Planning Commission determines that a lapse has occurred, the Administrator shall record an appropriate legal notice. The Administrator may, if he/she deems it appropriate, initiate, without owner consent, a zoning change to the previous or another appropriate zone. Criteria for appropriate zones shall be the adopted master plan for the area, corridor guidelines, and other adopted land use policies of the City.

C. "Developer" includes those persons defined in CRS 24-68-102(1).

"Revision" means the changing and/or rescinding of zoning and other land use approvals following notice and an opportunity for objection. The status of the land use approvals, including zoning and/or subdivision approval(s) may be that which applied previously to the property or may be a new and/or different zoning or other land use status.

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CHAPTER EIGHT
VACATION OF RIGHTS-OF-WAY AND EASEMENTS

8-1 PROCEDURES

8-1-1 PREAPPLICATION CONFERENCE - A preapplication conference is required prior to submittal.

8-1-2 COMPLETE SUBMITTALS - Applicants shall submit the required materials and fees to the Administrator. Only complete submittals shall be accepted.

8-1-3 REVIEW AGENCIES - The Administrator shall distribute copies of the submitted material for review to the appropriate agencies. These agencies shall submit comments on the material to the Administrator within ten (10) working days of receipt of the application (see Section 2-2-2).

8-1-4 PLANNING COMMISSION - The Administrator shall present the application, together with comments of reviewing agencies, to the Planning Commission at a hearing not later than forty-five (45) days from the required submittal date except as provided in Section 2-2-2. The Planning Commission shall recommend approval, approval with conditions, or denial of the application.

8-1-5 CITY COUNCIL - Upon a recommendation of approval, either with or without conditions, the Administrator shall schedule the application for hearing before the City Council. This hearing shall be scheduled within thirty (30) days following the date Planning Commission recommendation is received, unless the applicant agrees, in writing, to an extension of time. In that case, a hearing date may be postponed for an additional forty-five (45) days. If the Planning Commission recommends denial, the item shall not be scheduled for hearing before the City Council unless, within thirty (30) days following the denial, a written appeal is submitted to the Administrator by the applicant. In that case, a hearing before the City Council shall be held within thirty (30) days following the date the request is submitted to the Administrator.

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

8-2 SUBMITTAL REQUIREMENTS

The applicant shall submit to the Administrator those materials as listed in the SSID Manual and any additional information needed in order to adequately review the proposal.

8-3 CRITERIA

No vacation shall be approved unless the applicant establishes that the following criteria have been met:

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

8-3-2 RESTRICTIVE ACCESS - The proposal shall not so restrict access to any parcel that such access is unreasonable, economically prohibitive, and reduces or devalues any property affected by the proposed vacation.

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

8-3-4 ADOPTED PLANS & POLICIES - The proposal shall not conflict with adopted plans and policies.

8-3-5 BENEFITS TO CITY OR COUNTY - The proposal shall provide benefits to the City such as reduced maintenance requirements, improved traffic circulation, etc.

**CHAPTER NINE
REQUIREMENTS FOR BUILDING PERMIT**

9-1 APPLICATION

On and after the effective date of adoption of this Code, structures shall be erected only on parcels of land that have been created in conformance with this Code (see Section 2-1-2 for items requiring permits). No person shall construct any structure until a planning clearance has been obtained from the Community Development Department and a building permit obtained from the Building Department.

9-1-1 EXCEPTIONS - The provisions of the preceding paragraph shall not apply if the parcel of land is a lot in a legally approved subdivision and 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 prior to issuance of a building permit:

- A. For all multi-family and trade uses, improvements which would be required by this Code shall be in place, or the owner shall enter into an improvements agreement, a power of attorney, or escrow funds.
- B. All rights-of-way and/or easements which are required by the Administrator have been provided, including frontage on public rights-of-way or an access easement of record.
- C. All applicable requirements and standards specified by this Code have been met.

9-2 PROCESSING PROCEDURES

9-2-1 APPLICATION

- A. Site Plan Review is required for all site development, except for single-family residential, and for any change of use on a site as determined by the Administrator, prior to gaining a planning clearance. A planning clearance application is available from the Community Development Department. The Administrator will assist the applicant in determining which materials are required for submittal. Building permit applications are required and available from Mesa County Building Department.
- B. When the required materials are submitted to each respective department, the Building Department shall review its application for conformance with applicable building codes. The Community Development Department shall review its application for conformance with the Zoning and Development Code.
- C. Applications may be reviewed by other agencies in accordance with Section 2-2-2.

- D. Following review, applications shall be approved, approved with conditions, or denied. Applications which are denied shall have the reasons for denial, in writing, attached to the application (see Section 9-3-2B).

9-3 SUBMITTAL REQUIREMENTS

9-3-1 BUILDING DEPARTMENT REQUIREMENTS

- A. The applicant shall comply with the requirements of the Building Department.
- B. The applicant shall submit an approved planning clearance and site plan.

9-3-2 COMMUNITY DEVELOPMENT DEPARTMENT REQUIREMENTS

- A. Requirements shall include what is outlined in the SSID Manual and any additional information needed in order to adequately review the proposal.
- B. If the Administrator determines that the site plan and/or planning clearance does not comply with all requirements and intents of the Code and is denied, the applicant may appeal such a determination to the Board of Appeals within ten (10) days following the date of the Administrator's decision (see Chapter Ten). Action by the Board of Appeals shall be considered final.
- C. A planning clearance shall be valid for six (6) months from the date of issuance. A new planning clearance and any applicable fee shall be required for any approved project that did not start construction within that six (6) month period.

9-3-3 OTHER REQUIREMENTS

- A. Any applicable curb cut permits as required by the City Engineer or State Highway Department.
- B. Sanitary sewer clearances shall be required from the City.
- C. Other information may be required by the Community Development or Building Departments to adequately review the application.

**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 who perfects an appeal of an administrative decision made pursuant to this Code. The Board shall uphold such administrative decision unless it determines that the decision was not made within the intent of this Code or in the public interest.
2. Hear and decide appeals for variance of the bulk requirements for 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 Section 4-10 which addresses interpretations).
3. Make recommendations to the Planning Commission for changes to this Code.
4. Hear and decide requests for exceptions to side or rear setback requirements in all multi-family (RMF) zones.
5. Hear and decide appeals for variance of a non-conforming use as described in Section 4-9 and for those regulations in Chapter Five of this Code for which no specific appeal process is stated.

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 whether the decision by the Administrator was in accordance with the intent and requirements of this Code, and accordingly, the Board will affirm or reverse the decision.
2. Appeals for Variance - A variance is not a right. It may be granted to an applicant only if the applicant establishes that he will suffer undue hardship because of site characteristics and 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, Section 4-9 or for those regulations in Chapter 5 of the Code for which no specific

appeal process is stated only when the applicant establishes that all of the following criteria are satisfied:

- a. The granting of a variance will not conflict with the public interest as expressed by the City's adopted comprehensive plan;
- 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 within the same zone district, and such exceptional conditions or undue hardship was not created by the action or inaction of the applicant or owner of the property;
- c. The granting of a variance will not be detrimental to the public health, safety or welfare;
- d. The applicant and the owner of the property can not derive a reasonable use of the property without a variance; and
- e. The variance will not be injurious to, or reduce the value of, the adjacent properties or improvements. In granting a variance, the Board may impose conditions deemed necessary to protect affected property owners and to protect the intent of this Code.

In considering variance requests to the bulk requirements of the zone districts, if all of the criteria listed in this subsection are not met, yet the Board finds that the variance request would harm no one and would be a general benefit to the neighborhood or community, a variance may be permitted.

3. Appeal for Variance of Sign Regulations - The Board may grant a variance from the provisions or requirements of the Sign Regulations only if the applicant establishes that 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;
 - b. The granting of a variance would not be materially detrimental to the property owners in the vicinity;
 - c. The unusual conditions applying to the specific property do not apply generally to other properties in the City; and

- d. The granting of a 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 impose conditions regarding the location, character, and other features of the proposed sign as necessary to carry out the intent and purposes of the Sign Regulations.

4. Appeals for Variance of Floodplain Regulations, Geological and Wildfire Hazard Regulations:

- a. In appeals to the Board regarding an administrative decision, the Board's scope of review shall be limited to determining if the decision was made in accordance with the intents and requirements of the applicable regulation.
- b. The Board is not empowered to allow a use specifically prohibited in the applicable regulations.

5. The Board may grant an exception to side or rear setback requirements in multi-family zones if the applicant establishes that the following criteria are satisfied. Granting of an exception shall not be considered a variance, and the showing of an undue hardship is not required.

- a. Exceptions may be granted only for a principal structure and shall not be granted for any accessory structures.
- b. Exceptions may be granted for additions to existing structures to an average of all existing side or rear setbacks within the same block frontage, except that no exception shall be granted to permit construction closer than five feet (5') to any side lot line or fifteen feet (15') to any rear lot line.
- c. Exceptions may be granted for new single family construction subject to the provisions of paragraph b) above. New multi-family construction shall meet all currently required setbacks.
- d. No exceptions shall be granted which shall allow a height of any structure over thirty-two feet (32') (see also Section 5-1-6C).
- e. Exceptions may be granted only on block frontages where seventy-five percent (75%) or more of the parcels on that block are developed.
- f. For the purpose of calculating a mean average setback, the following shall be excluded:

- 1) any parcels with a different zoning;
 - 2) any parcels having an approved conditional use or variance;
 - 3) any parcels containing a non-conforming use; and
 - 4) any parcels having an existing side yard setback greater than fifteen feet (15') or a rear yard setback greater than thirty feet (30').
- g. For the purpose of calculating an average setback, vacant parcels shall be assigned the current setbacks required by the zoning.
- h. Where a single parcel may contain two principal structures, only the structure closer to the street shall be considered in calculating an average setback.
- i. All other requirements of this Code shall apply.
- j. The applicant requesting an exception shall comply with the requirements of Section 10-1-1C of this Chapter as well as the following:
- 1) assessors map(s) which show the block frontage applicable to the requested exception; and
 - 2) a current list of tax parcel numbers of properties used to calculate the allowable exception, their addresses, the existing land use on those parcels, and the existing setback distance used in the calculation.
- k. Payment of application fees for exception requests, which are the same as for a variance (see Section 2-2-2G).

C. Application and Processing Procedures

1. Appeal of an administrative decision shall be submitted to the Administrator within thirty (30) days from receipt of the decision. No appeal shall be effective unless the applicant submits the following:
 - a. a letter from the applicant stating the decision being appealed, the effect of the decision, and the reasons why, based on the Code, the decision should be reversed;
 - b. application form and supporting documents requested by the Administrator;

- 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 Administrator. The appeal for variance shall consist of information as per the SSID Manual and any additional information needed in order to adequately review the proposal.
 - a. Application form and supporting documents.
 - 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 two hundred feet (200') of all boundaries of the property.
- D. Applications to the Board shall be reviewed at a public hearing within forty-five (45) days from the required submittal date. Only complete submittals will be accepted and scheduled for hearing.
- E. The Board shall reach a decision within sixty-five (65) days of the initial public hearing. The Administrator shall give the applicant written notice of the Board's decision.
- F. Hearing Minutes - The Administrator shall keep written 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 following the date of approval unless a different time limit is specified by the Board at the time the variance is granted. 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 five (5) voting members and two (2) advisory non-voting members, (see Section 10-1-2A.1 and 2), appointed by the City Council. Each member shall serve a term of three (3) years. Initial first appointments shall be served as follows: three (3) appointees shall serve three (3) years, and two (2) shall serve two (2) years. 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 (2) 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 serve as advisory members to the Board (see also Section 10-1-2B.1).

2. In cases of appeals regarding Floodplain, Geologic Hazard, or Wildfire Hazard regulations, the Board may request testimony by independent experts in those fields to assist in evaluating the impact of the request.

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.

Of the two (2) non-voting advisory members for Sign Regulation appeals, one shall be actively employed in or by the sign industry and the other shall represent environmental beautification or betterment interests.

C. Vacancies - All vacancies shall be filled by appointment of the City Council.

D. Removal - Members of the Board may be removed after public hearing by the City Council for inefficiency, neglect of duty, or malfeasance in office. The City Council shall make public a written statement of reasons for 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 three (3) voting members is necessary to constitute a quorum.

F. Compensation - All members shall serve without compensation. Actual expenses incurred in the performance of duties may be compensated.

10-2 BUILDING CODE BOARD OF APPEALS

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

CHAPTER ELEVEN ADMINISTRATION AND ENFORCEMENT

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

11-1 IDENTIFICATION OF ADMINISTRATOR

The Administrator of this Code shall be that person designated by the City Manager. The Administrator is authorized to establish Department standards of operation and procedures consistent with the intent of this Code, and is further empowered to delegate the duties and powers granted to, and imposed upon, the Administrator by this Code. As used in this Code, "Administrator" shall include staff authorized by the Administrator.

11-2 INSPECTION BY ADMINISTRATOR

The Administrator is hereby empowered to enter or inspect any building, structure, premises, or real property in the City upon which, or in connection with which, a development or land use is located or proposed for the purpose of inspection to ensure compliance with the provisions of this Code. Such inspections shall be carried out during business hours unless the Administrator determines that an emergency exists. Entry onto private property for the purpose of inspection 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 the Municipal or another court of competent jurisdiction.

11-3 CODE VIOLATIONS AND ENFORCEMENT

The remedies provided in this section for violations of any provision of this Code, or regulation adopted pursuant to this Code or the Code of Ordinances, whether civil or criminal, shall be cumulative and shall be in addition to any other remedy provided by law. Except as otherwise provided in this Code, any development or use initiated after adoption of this Code, or maintained in violation of this Code, which is not in compliance with the provisions of this Code is prohibited and shall be referred to herein as an "unlawful" development or use.

11-4 CIVIL REMEDIES

Failure to comply with any provision of this Code shall be declared unlawful.

11-4-1 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 Municipal Court or another court of competent jurisdiction against any person who fails to comply with any provision of this Code, or any requirement or condition imposed pursuant to this Code, to prevent, enjoin, abate, or terminate violations.

11-4-2 CIVIL PENALTY - Any person who fails to comply with any provision of this Code shall be subject to a civil penalty of not less than ten dollars (\$10) nor more than three hundred dollars (\$300) for each offense. Each day that a violation exists shall constitute a separate offense; however,

the maximum civil penalty that may be imposed, even in circumstances where there are multiple and continuing offenses, shall be five thousand dollars (\$5,000). Every such action shall be brought before the Municipal Court of the City. The Court may order that the person successfully bringing the action to recover such civil penalty may receive all or a portion of any penalty imposed by the Court. The prevailing party in any such suit is entitled to recover judgment against any person failing to comply with any provision of this Code for reasonable attorney's fees in an amount determined by the Municipal Court. The City, its officers and employees may initiate an action under this section, but neither the City nor its officers or employees shall be liable for any claim of civil penalty. Any person initiating an action for civil penalties, pursuant to this section, shall cause written notice thereof to be given to the City Attorney.

11-5 CRIMINAL PENALTY

The violation of any provision of this Code, or any requirement or condition imposed pursuant to this Code, shall be declared a misdemeanor. Upon conviction, any person found in violation of any provision of this Code shall be punished by a fine of not more than three hundred dollars (\$300) or by imprisonment for not more than ninety (90) days, or by both fine and/or imprisonment, for each day or any portion thereof, that the violation has continued. Each person found in violation of the provisions of this Code or any requirement or condition imposed pursuant to this Code, whether the person directly commits the act or aids or abets the same, whether present or absent, may be prosecuted and punished as a principal.

CHAPTER TWELVE DEFINITIONS AND LIMITATIONS

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 reference to the American Heritage Dictionary, Second Edition, 1985.

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 within a two hundred foot (200') radius of the principal property. 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 a City employee.

ADMINISTRATOR

The Administrator of the Code shall be the Director of the Grand Junction Community Development Department and/or designated staff.

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 - LARGE

Animals such as horses, cattle, sheep, goats, llamas, ostriches and similar livestock, or as otherwise determined by the Administrator. Large agricultural animals which are greater than one year or have been weaned, whichever is less, are considered adult agricultural animals.

AGRICULTURAL ANIMALS - SMALL

Animals such as poultry, pigeons, rabbits and chinchillas and similar animals or as otherwise determined by the Administrator. Small agricultural animals which are greater than one year of age or have been weaned, whichever is less, are considered adult agricultural animals.

ANIMAL CLINIC

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

ANIMAL HOSPITAL

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

APPLICANT

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

APPLICATION

A written request for any approval, permit, or action required by this Code. This includes such terms as "proposals" and "requests".

ARCHITECTURAL BLADE

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

AREA OF INFLUENCE (Airport)

An area surrounding an airport which is impacted or influenced by its proximity to the airport, either by aircraft overflight, noise, 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 used for the display, sale or rental of new and/or used motor vehicles where no repair work is done, except minor incidental repair of those motor vehicles to be displayed, sold or rented. (An office/shelter structure as an accessory to the use is permitted.)

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 document acknowledging airport proximity on limiting the height of structures and granting permission for the conditions arising from the overflight of aircraft in connection with the operation of an airport, but generally not precluding damages for physical damage to land or persons. (See Appendix for a sample avigation easement.)

BAR

An establishment serving alcoholic beverages in which the principal business is the sale of such beverages at retail for consumption on the premises. It shall not mean establishments wherein such beverages are sold in conjunction with the sale of food for consumption on the premises and the sale of said beverages comprises less than twenty five (25) percent of the gross receipts.

BLOCK

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

BLOCK FRONTAGE

All property fronting on one side of a street between intersecting or intercepting streets, or between a street and a street right-of-way, water way (wider than thirty feet, 30'), or end of a dead-end street. An intercepting street shall determine only the boundary of the frontage of the side of the street which it intercepts.

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. The owner of such facility shall obtain all applicable state and local

licenses and shall only allow occupancy in compliance with safety standards as set forth by the Fire Marshal and City Building Inspector.

BUILDING

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

BUILDING ENVELOPE

The square footage within the perimeter walls, roof, and the lowest usable floor of a building.

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, accessory to, and located within, a structure primarily devoted to business or commercial uses, and which complies with the requirements of this Code (see Sections 5-1-10 and 4-3-4).

CAFE

An establishment serving short order food and beverages 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 (SEE OVERNIGHT CAMPGROUND)

CAMPGROUND, RECREATIONAL (SEE RECREATIONAL CAMPGROUND)

CARPORT

A roofed structure providing space for the storage of one or more motor vehicles 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 location of the centerline.

CERTIFICATE OF OCCUPANCY

As defined in the current Uniform Building Code adopted by the City.

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.

CITY COUNCIL

The duly elected City Council of the City of Grand Junction.

CITY MANAGER

The City Manager or the City employee he/she may designate to carry out the administration of this section.

CLEAR ZONE (Airport)

A triangular-shaped zone located directly off the end of a runway's primary surface, beginning two hundred feet (200') from the end of the pavement, and which is clear of all above ground obstruction or construction. The width is the same as for 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, which is also referred to as Title 32 of the Code of Ordinances for the City of Grand Junction.

COLLECTOR STREET

Streets accessing neighborhoods and routes serving intra-city rather than intra-state travel. A minor amount of through traffic may be carried by a collector street, but the system primarily carries local traffic. Average trip lengths and travel speeds are less than for arterial routes.

COMMISSION

The Grand Junction Planning Commission.

COMMUNITY CORRECTIONS FACILITY

- 1) A facility providing residential or non-residential services operated under the direction of a Community Corrections Program, as defined by 17-27-101, *et seq.*, C.R.S.; or
- 2) A facility providing residential or non-residential services substantially similar to that described in 17-27-102(3), C.R.S., although not being administered pursuant to Title 17, Article 27, C.R.S., which is operated by a private individual, partnership, corporation or association.

A Community Corrections Facility shall manage and supervise "offenders" in accordance with adopted standards and pursuant to a contract supervised and administered by an agency of the State of Colorado; such a facility is not required to be in direct privity of contract with the State so long as it is subject to the same, or equivalent, standards and rules applicable to a facility which is subject to 17-27-101, *et seq.*, C.R.S. The applicant for a Community Corrections Facility which is not administered pursuant to Title 17 of Article 27, C.R.S. shall identify, and provide as required by the Administrator, the rules and contract under which such facility is regulated and administered.

A Community Corrections Facility shall provide to the Administrator, upon request, evidence that the facility/program: is subject to 'program audits' by the State, or an agent of the State; and is operating and has been operated in compliance with all applicable standards.

"Offenders" means, for the purposes of this definition, persons accused or convicted of a felony, misdemeanor or other criminal offense.

CONDITIONAL USE

A use identified by this Code which requires action by the Planning Commission or City Council after public hearings. Any lawful use existing as an allowed use in the zone in which it is located on the effective date of this Code which is made a conditional use by this Code or subsequent amendments to this Code, shall be considered, subject to the rules governing non-conforming uses.

CONDOMINIUM

As defined in C.R.S. 38-33-103.

CONVALESCENT HOME

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

COUNCIL or CITY COUNCIL

See City Council.

COUNSELING CENTER

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

COUNTY

Mesa County

COUNTY ADMINISTRATOR

The County Administrator or the County employee designated by the Board.

COURTYARD

An internally-focused open space.

CRITICAL ZONE (Airport)

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

CUL-DE-SAC

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

CURB FACE

The vertical or shaped portion of a curb, facing the roadway, and designed to direct storm waters.

DAYS

When used to establish time limits on various processes in this Code, days shall mean working days of the Grand Junction Community Development Department.

DENSITY

The total number of dwelling units per gross 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 Community Development Department.

DESERT LANDSCAPING

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

DESIGN CAPACITY

The maximum occupancy load of a building as defined and determined by the Uniform Building Code (U.B.C.) in Chapter 33 and Table 33A.

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 transfer of all or part of a title or equitable interest in land; a lease or an assignment of an interest in land; or any other transfer or conveyance of an interest in land.

DOWNTOWN AREA

The area within the City which is within the Downtown Development Authority and which is bounded by: the north right-of-way line of Grand Avenue; the west right-of-way line of 1st Street; the east right-of-way line of 8th Street; and the south right-of-way line of Pitkin Avenue.

DRIVE-IN

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

DWELLING UNIT

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

EASEMENT

An interest in land that is less than fee title which entitles the holder to a specific limited use or enjoyment.

ELDERLY OR DISABLED PERSONS HOUSING, DEPENDENT

A facility for the dependent care of persons 55 years or older and/or physically disabled persons which provides a wide range of support services including personal medical care. This typically includes nursing homes, rest homes, and convalescent centers.

ELDERLY OR DISABLED PERSONS HOUSING, INDEPENDENT

Multifamily dwelling units occupied by persons 55 years or older and/or physically disabled persons which provides for independent living. While some facilities may be provided (*e.g.* laundry facilities and common recreation rooms), no medical/nursing services or facilities are provided.

ELDERLY OR DISABLED PERSONS HOUSING, SEMI-INDEPENDENT

Multifamily dwelling units similar to apartments, for persons 55 years or older and/or physically disabled, but including special support services such as central dining and limited medical care. May also include laundry services, meal preparation, room cleaning and transportation for routine appointments and other needs.

ENGINEER

Engineer licensed by the Colorado Board of Registration.

EQUIPMENT

Rolling stock or movable personal property 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 C.R.S. 30-28-115.

EVIDENCE

Any map, table, chart, contract or other document or testimony prepared or certified which is offered by a person to establish a claim, condition or assertion.

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 approved by the Mesa County Department of Social Services 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 raising of livestock, poultry, feed, flowers, crops, field equipment or other agricultural items, with or without a dwelling unit.

FARMERS MARKET

A structure or place where agricultural produce is brought for the purposes of retail sales. A farmers market differs from a produce stand in that there may be more than one (1) seller allowed per parcel of land and the structure from which produce is sold at a farmers market need not be portable or capable of being dismantled or removed from the site. See also Sections 4-3-4, 4-5 and 4-6 regarding requirements/approvals for a Farmers Market.

FEED LOT

An area which is used for custom feeding of livestock where the owners of said livestock pay 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), 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 man-made construction, regardless of the material used, including walls but not retaining walls. ("Material" does not include vegetation.)

FILL MATERIAL

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

FINAL PLAT

A survey map establishing real estate interests which is recorded with the County Clerk and Recorder, prepared by a surveyor, and which indicates the boundaries of streets, blocks, lots and other divisions thereof, found in the ground and 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 in accordance with the requirements of the City Fire Marshal.

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.

FLEA MARKETS

A flea market, swap shop, or similar activity by whatever name, where the use involves the setting up of two or more booths, tables, platforms, racks, or similar display areas for the purpose of selling, buying, or trading merchandise, goods, materials, products, or other items offered for sale outside an enclosed building. A flea market, as defined herein, shall not include activities which do not occur on more than four days in any calendar year and which constitute: a yard/garage sale, bake sale, produce stands, booths within an enclosed building, or activities or sales done by a non-profit organization.

FLOOD FRINGE DISTRICT

That area within a 100-year floodplain where the flood waters are relatively shallow, and move at velocities from one to four feet per second.

FLOOD INSURANCE RATE MAP (FIRM)

The official map on which the Federal Emergency Management Agency 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 100-year Floodplain and Flood Boundary Floodway Maps, and the water surface elevation of a 100-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 showing the relationship of the water surface elevation during a 100-year flood to the channel and adjacent topography.

FLOOD PRONE AREA

An area near a watercourse which is subject to flooding during a 100-year flood based on historical information, topography, vegetation and other indicators, but where the precise dimensions of a 100-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 100-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 100-year flood without cumulatively increasing the water surface elevation more than one foot at any point.

FLOOR AREA RATIO (FAR)

The ratio of the gross floor area of a structure to the gross area of the parcel on which it is located.

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 (12") 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 another sign.

FRONTAGE

The frontage of a parcel of land is 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.

FRONT YARD

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.)

GARAGE, PUBLIC (SEE PUBLIC GARAGE)**GASOLINE SERVICE STATION**

Buildings and/or surfaced area where motor vehicles may be refueled and/or serviced. No tire recapping, body painting or repair, or engine repair which requires removal of the head or pan of the engine shall occur at a gasoline service station.

GEOLOGIC HAZARD AREA

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

GRADE

Generally, grade shall be defined as ground level. 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 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 the Administrator in accordance with the intent 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 ACRE

A full acre of land prior to subdivision and prior to dedication of any required rights-of-way or easements.

GROSS FLOOR AREA

The sum of the areas, expressed in square feet, at each floor level of a structure including cellars, basements, mezzanines, penthouses, corridors, lobbies, stores, offices, etc. included within the principal outside faces of exterior walls. Included are all stories or areas that have floor surfaces with clear standing headroom (6' 6" minimum) regardless of their uses. For the purposes of parking generation calculations, the gross area of any parking garage within a building shall not be included within the Gross Floor Area.

GROSS LEASABLE AREA (GLA)

The total building area, expressed in square feet and designed for tenant occupancy and exclusive use, including any basements, mezzanines, or upper floors, and is measured from the centerline of joint partitions and from outside wall faces.

GROUND SUBSIDENCE

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

HARDSCAPE

Stone, brick, rock, sand, textured or shaped concrete, decorative walls and/or pedestrian facilities (i.e. benches, tables, play equipment, walking or bike paths).

HAZARD PRONE AREA

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

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 a five-ton or more rating, cranes with a capacity of more than two tons, crawler-type tractors and earth movers weighing more than three tons, dump trucks with the capacity of eight cubic yards or more, and other equipment of equal or greater size and weight.

HEIGHT OF STRUCTURE

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

HELIPAD

A facility without the logistical support provided by a heliport (see Heliport definition) where helicopters take off and land. Helipads do not have structures or facilities for maintenance, repair, fueling or storage of helicopters. A helipad may be located at ground level or elevated on a structure.

HELIPORT

An area of land, water, or a structural surface containing fuel facilities (whether fixed or mobile) which is designed, used, or intended to be used for the take-off and landing of helicopters and includes any appurtenant areas such as buildings or other facilities used for parking, maintenance, and repair facilities.

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 within a structure as an accessory use on a residentially zoned property, secondary to the principal use of the property for residential purposes, and meeting the requirements of this Code (see Sections 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 PET

Those animals which are commonly kept as pets such as dogs, cats, fish, small birds, rodents and non-poisonous reptiles.

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

Right-of-way 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 similar items required for compliance with the regulations of this Code or the conditions of approval.

IMPOUND LOT

A lot for the temporary storage of vehicles for a period not to exceed that permitted in 42-4-1806 C.R.S. in which no vehicle dismantling or repair work occurs.

INSTITUTIONAL SIGN

A sign setting forth the name of a 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.

INTEGRAL UNITS

Items, equipment, or machinery which are assembled or constructed to function as a single unit, such as, but not limited to, large cranes, drilling rigs or other large vehicles, large diameter pipes or culverts, large scale motors or transformers, etc.

JUNK

Old, second-hand, or scrap; ferrous and nonferrous metals; paper or paper products; fibers or fabrics, wood or wood products; manufactured rubber or plastic products; appliances, glass, clay, or porcelain products; trash or similar materials, and shall include dismantled machinery, equipment, junk vehicles, and parts. The term "junk" shall not include either materials or objects held and used by a manufacturer as an integral part of the manufacturing process or to outside storage permitted as an accessory use under the provisions of Section 5-4-14D.

JUNK VEHICLE

Any motor vehicle, trailer, or semi-trailer, as those terms are defined by C.R.S. 42-1-102, that: is not operable in its existing condition because of damage or because parts necessary for operation such as, but not limited to, tires, engine, or drive train are removed, destroyed, damaged, or deteriorated; or, is not capable of being lawfully driven on a public highway or street pursuant to the minimum standards set forth in Title 42 of the Colorado Revised Statutes. Any such motor vehicle, trailer, or semi-trailer shall be presumed to be a junk vehicle if no current Colorado license plates are displayed thereon, or if Colorado license plates have been invalid for more than sixty (60) days. The owner or possessor of such a motor vehicle, trailer, or semi-trailer may rebut such a presumption by providing proof of current registration or licensing (see Motor Vehicle Repair Shop).

JUNKYARD

A yard, lot, or other place, covered or uncovered, indoors or in an enclosed building, for the storage, keeping, sale, or abandonment of junk, including scrap metals or other scrap materials, or for the abandonment, dismantling, or demolition of automobiles or other vehicles or machinery, or parts thereof. The term "junkyard" shall not include the storage of agricultural vehicles on agriculturally-used property or to those facilities qualifying as a motor vehicle repair facility. The term "junkyard" shall include wrecking yard and salvage yard.

JURISDICTION

The sphere of responsibility of the Grand Junction City Council or a political subdivision of the State.

KENNEL

A facility in which four or more animals of the same species are housed, groomed, bred, boarded, trained in return for compensation, or sold. Such facility 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 natural materials (i.e. lawns, trees, shrubs, vines, hedges, bedding plants, rock) and decorative features, including paving materials, walls, fences and street furniture.

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.

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 measured and established by a plat recorded with the Mesa County Clerk and Recorder.

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 a lot or parcel which is essentially parallel to its designated frontage.

LOWEST FLOOR

The lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage, in an area other than a basement area, is not considered a building's lowest floor, provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this Code.

MACHINE SHOP

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

MAJOR SHOPPING CENTER

A group of architecturally unified commercial establishments built on a lot or parcel 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 (see definition) is in excess of 250,000 square feet, 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

A manufactured structure designed for residential occupancy that conforms to all applicable Federal construction and safety standards certifications (42 U.S.C.S. § 5401 *et. seq.*). Construction and safety certification shall be affixed in the original and permanent condition and shall not be removed.

MEMBERSHIP CLUB

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

MENU SIGNS

Signs at restaurants which are not readable by a person with 20/20 vision from the nearest 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

A mobile home is any manufactured structure designed for residential occupancy which does not conform to all applicable Federal construction and safety standards. Construction and safety certification shall be affixed in the original and permanent condition and shall not be removed.

MOBILE HOME / MANUFACTURED HOME PARK

A parcel of land used for the continuous accommodation of five or more occupied mobile homes and operated for the pecuniary benefit of the owner of the parcel of land, his agents, lessees, or assignees. Mobile home park does not include mobile home subdivisions or property zoned for mobile home subdivisions.

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.

MOTOR VEHICLE REPAIR SHOP

A shop or place of business used for the repair and maintenance of motor vehicles and other motor vehicle equipment as defined in Title 42, C.R.S. The owner of all motor vehicle equipment on the property shall have a valid registration, have a registration or title applied for, or show a work order. Motor vehicle equipment for which the shop operator holds no valid registration or work order shall be classified as junk and shall not be kept, stored or worked on, in or on the property of a motor vehicle repair shop.

MOVABLE OBJECTS

Items such as trailers, motor vehicles, 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, and intended to be the residence of more than one housekeeping unit independent of other housekeeping units.

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.

NIGHT CLUB

A commercial establishment dispensing alcoholic beverages for consumption on the premises and in which a dance floor or other entertainment is provided.

NODE

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

NON-CONFORMING

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

NON-PROFIT

Organizations having 501C.3 filing status with the Internal Revenue Service.

NURSERY/GREENHOUSE/LANDSCAPING MATERIALS

A place where plants are raised, acquired, and maintained for transplanting or sale. It may also include, either exclusively or in conjunction with the above activities, the sale of materials commonly used for landscaping purposes, such as soil, rock, bark, mulch and other materials determined by the Administrator to be landscaping materials. Sale or rental of small landscaping tools and supplies may be an accessory use.

NURSERY SCHOOL/PRESCHOOL/DAY CARE

A school and/or care facility which is licensed by the State and is maintained for the whole, or part of, the day for more than six children.

NURSING HOME

An establishment licensed by the State 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 material, 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 100-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 (100-YEAR) FLOODPLAIN

The low land near a watercourse which has been, or may be, covered by water of a flood of 100-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 chance 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.

OTHER ANIMALS

Those animals not already defined as household pets or agricultural animals.

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.

OVERNIGHT CAMPGROUND

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

PARCEL

An area of land defined by a legal description and 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

Means natural persons as well as any other entity recognized by law, including: association, partnership, corporation, and joint venture, whether for profit or non-profit.

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 the otherwise applicable bulk use and other requirements may be modified in order to allow for more flexible planning in conformance with the development approval process.

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 that is 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 the federal government, state government, or any political subdivision.

PRODUCE STAND

An open air stand or place for the seasonal selling of agricultural produce. A produce stand must be portable and capable of being dismantled or removed from the sales site.

PROFESSIONAL OFFICE

An office for professionals such as physicians, dentists, lawyers, architects, engineers, artists, musicians, designers, teachers, accountants, or others who, through training, are qualified to perform services of a professional nature. 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 (12").

PROJECTION

The distance by which a sign extends over public property.

PUBLIC

Anything owned or operated by the federal government, state government, or any political subdivision.

PUBLIC GARAGE

An attached or detached building which is 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 a "Motor Vehicle Repair Shop."

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 City Council and dedicated for the public's use or benefit.

PUBLIC MEETING

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

PUBLIC NOTICE

Notice to the public of a public hearing or meeting. Such notice shall be published one time in a newspaper of general circulation in the City seven days prior to the hearing or meeting. Any application or proceeding which is the subject of a public hearing shall require posting on the property. Posting shall consist of the installation of a sign furnished by the Community Development Department, in a conspicuous location on the premises, accessible to the public and parallel (perpendicular if two sided sign) to the street, ten days prior to the hearing.

PUBLIC RIGHT-OF-WAY

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

PUBLIC USE

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

PUBLIC-USE HELIPORT

A heliport or helipad that has been designed for use by the public and is available for such, whether owned or operated by a governmental agency or a private entity, provided that such entity has agreed, in writing, to that use of its property.

REAR ENTRANCE SIGN

A sign associated with pedestrian walk-through buildings. Such a sign shall: not exceed sixteen square feet in area; be flush mounted; only identify the name of the establishment(s); and contain directional information.

REAR YARD

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.

RECLAMATION

Rehabilitation of plant cover, soil stability, water resources, and other measures which will allow or cause flora to permanently grow on land.

RECORDED/RECORD

Document(s) being placed in the indexed or coded files and book(s) of the County Clerk and Recorder.

RECREATIONAL CAMPGROUND

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

RECREATIONAL VEHICLE

A vehicular or portable unit mounted on a chassis and wheels and which does not exceed eight feet (8') in width and forty feet (40') in length. A recreational vehicle is primarily designed to provide temporary living quarters and either has its own motive power or is mounted on, or drawn by, a motor vehicle. Examples are: 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 covering 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, shown in the records of the City of Grand Junction Community Development Department, and which was designed and intended for the accommodation of one recreational vehicle.

REGULATION

As used in this Code, means an applicable provision of this Code or any other requirement promulgated under this Code or the Code of Ordinances.

RENTAL, HOME-ORIENTED

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

RESIDENTIAL CARE FACILITIES

A home for mentally and/or physically handicapped persons numbering ten or less, unrelated by blood, marriage, or adoption to the head of the household. Such home must be licensed as required by the State of Colorado and must meet safety standards as determined by the Fire Marshal and City Building Inspector. Sanitary facilities must meet standards of State and local Health Departments.

RESIDENTIAL RECEIVING HOMES

A residential structure housing not more than ten children up to 18 years, unrelated by blood, marriage, or adoption to head of household, who are awaiting disposition to foster homes or other accommodations. 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 Marshal and City Building Inspector. Sanitary facilities must meet standards of State and local 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 permissible 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 which accommodates individuals on a term occupancy basis located in areas providing recreational/environmental opportunities in rural areas.

RESTAURANT

An establishment, licensed or approved by the Mesa County Health Department serving food and beverages where all service takes place within an enclosed building. Exterior eating areas may be permitted as an accessory use.

RESUBDIVISION

The changing of an existing parcel created by a plat and recorded with the County Clerk and Recorder. May also be referred to as a lot line adjustment or boundary line adjustment.

RETAINING WALL

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

REVOCABLE PERMIT

A permit issued by the City Council, pursuant to Section 127 of the City Charter, allowing the construction or use of a public right-of-way. Such permit may be revoked by the City Council.

ROADWAY

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

ROCKFALL

The rapid free-falling, bounding, sliding, or rolling of a 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.

SCHOOL DISTRICT

As used in Chapter 5 of this Code, School District means a public school district located in the City whose governing board has made a formal request to the City Council for school land dedications or fees in lieu of such dedications pursuant to this Code and related County and City resolutions and ordinances, and has entered into an intergovernmental agreement with the City regarding the implementation and administration of such dedications and fees.

SEISMIC EFFECTS

Direct and indirect effects caused by an earthquake or man-made phenomena.

SERVICE LINES

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

SERVICE YARD AND/OR ENTRANCE

An area and/or 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 are not for general customer use.

SETBACK

The minimum distance between a structure and a property lines of a parcel of land or other established reference point.

SIDE YARD

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 flag pole portion of the lot exceeds the front yard setback.

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 United States or Colorado flag, so long as the provisions of the federal Flag Act are followed, and emblem or insignia of a government or church.

SIGN, WIND-DRIVEN (SEE WIND-DRIVEN 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 planning stage of a project.

SLD FEE

The fee in lieu of school land dedication imposed pursuant to this Code.

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 or successor agency to accommodate up to fourteen (14) children ranging in age from five (5) to twenty-one (21) years. These facilities are for children whose special needs can best be met through 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, requiring a permit, which may be issued by the Administrator after review and approval, but not requiring a public hearing.

STAFF

The staff of the Grand Junction Community Development Department.

START OF CONSTRUCTION

Includes substantial improvement and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, placement or other improvements was within one hundred eighty (180) days of the permit date. The actual start means the first placement of a permanently-constructed structure on a site, such as the pouring of slab or footings, the installation of pilings, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure.

STRUCTURE

Anything constructed or erected which requires location on or in the ground or is attached to something having a location on the ground or anything as defined by the Uniform Building Code. 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, but only if the City has received notice of the proposed order so that the City may object thereto, as its interests may dictate;
2. Which is created by a lien, mortgage, deed of trust, or any other security instrument which became effective prior to June 1, 1989;
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 which became effective prior to June 1, 1989;
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, so long as no partition occurs without notice having been given to the City so that the City may object thereto, as its interests may dictate; any such interest shall be deemed, for the purposes of this Code, as only one interest.

SUITABLE SCHOOL LANDS

Tracts of vacant unsubdivided land lying within areas targeted for establishment of school sites in the School District's long range capital improvement plan and having characteristics rendering such tracts suitable or desirable for development as school sites or facilities, including but not limited to, appropriate size and dimensions, lack of geologic, environmental or topographic barriers to development, ready access to facilities (including irrigation water) and primary roads, compatible zoning, and proximity to other schools, school facilities and residential areas.

SURVEYOR

A land surveyor registered by the State of Colorado.

TEMPORARY USE OR STRUCTURE

Any use or structure placed on a parcel of land for a period exceeding forty-eight (48) hours and less than four months and as further specified in Section 4-13. Temporary uses and associated temporary structures shall have no permanent hook-ups to utility services. See temporary use criteria in Section 4-13.

TIP-OUT OR SLIDE-OUT

A recreational vehicle component which rides within the main structure of the recreational 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 which is connected to a similar single family dwelling unit by one or two common sidewalls; an owner of a townhouse also owns the land on which the foundation of the townhouse is constructed.

TRANSIENT

Housing or accommodations which are typically occupied for a short period of time such as a hotel or motel room. This Code does not attempt to establish a specific period of time that qualifies as transient. However, transient occupancy will typically be measured in days, while non-transient occupancy will typically be measured in months or longer periods of time.

TRANSMISSION LINES

Electric lines (115 KV and over) and appurtenant facilities; 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 are subject to the provisions of Section 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, is drawn by a motor vehicle, and provides 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, and provides temporary living quarters for recreational, camping or travel use.

TRUCK PARKING AREA

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

201 PLANNING AREA

A regional plan for sewage collection and treatment to prevent pollution of the state's waters; the boundaries are defined by the Official Map, a copy of which is kept by the Administrator.

UNDERGROUND PRESSURIZED IRRIGATION SYSTEM

A watering system for landscaped areas, consisting of underground pressurized pipes connected to sprinkler heads, bubbler heads, or drip systems such that one hundred percent (100%) irrigation water coverage is provided.

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.

VEGETATIVE GROUND COVER

Wood bark, shredded or chipped wood (installed over an adequate mat of fabric weed barrier), sod, or live plants.

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 AREA

An area which would be directly affected by an uncontrolled fire in a natural area.

WILDLIFE HABITAT RESOURCE AREA

A geographical area containing those elements of food, water, cover, or space, alone or in combination, which are 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 by, and are still suitable for, occupancy and are presently occupied or are potentially suitable though not presently or 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.

WIND-DRIVEN SIGN

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).

XERISCAPE

Landscape methods which conserve water through the use of drought-tolerant plants, planting and irrigation techniques.

YARD

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

YARD, FRONT (SEE FRONT YARD)

YARD, REAR (SEE REAR YARD)

YARD, SIDE (SEE SIDE YARD)

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APPENDIX

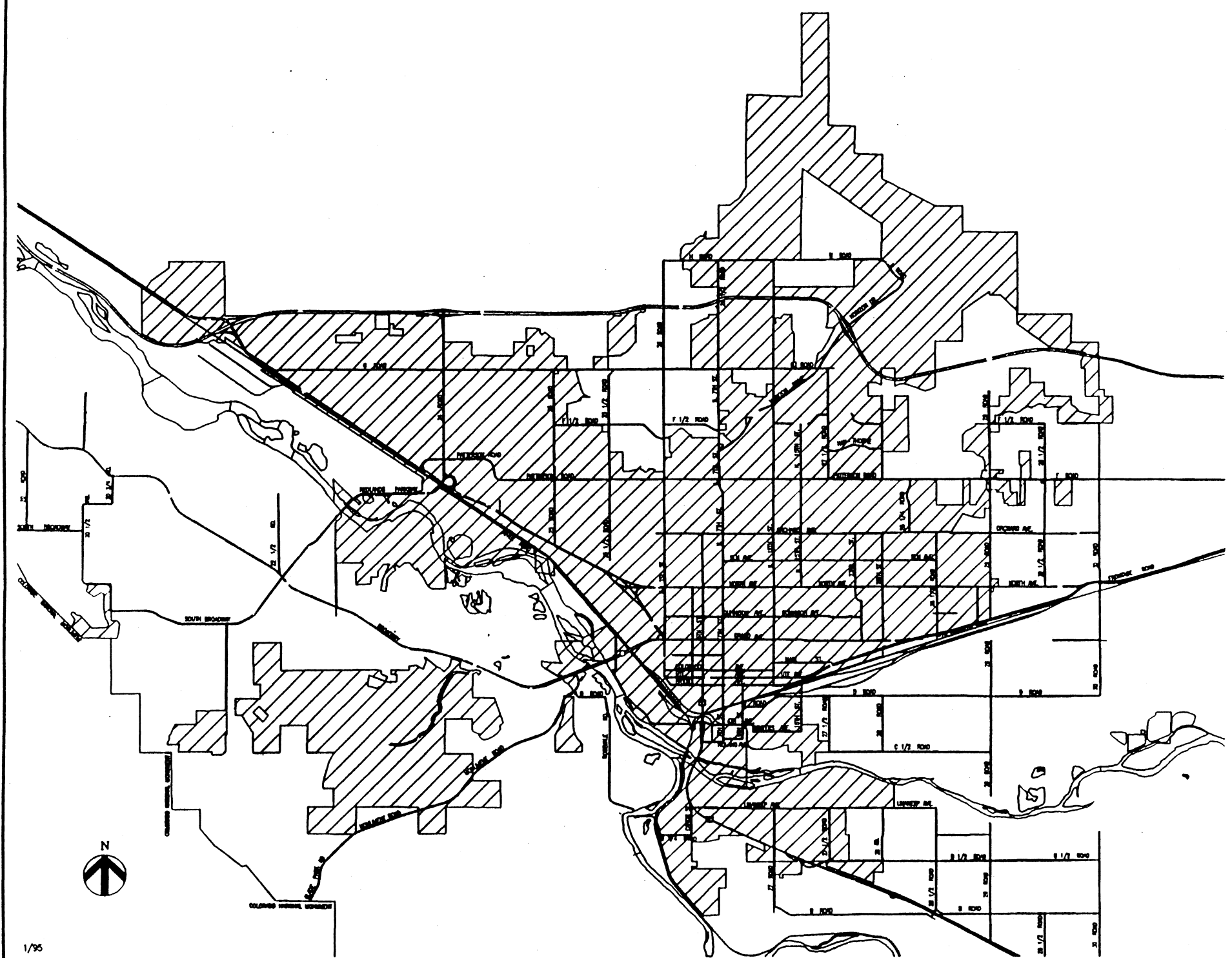
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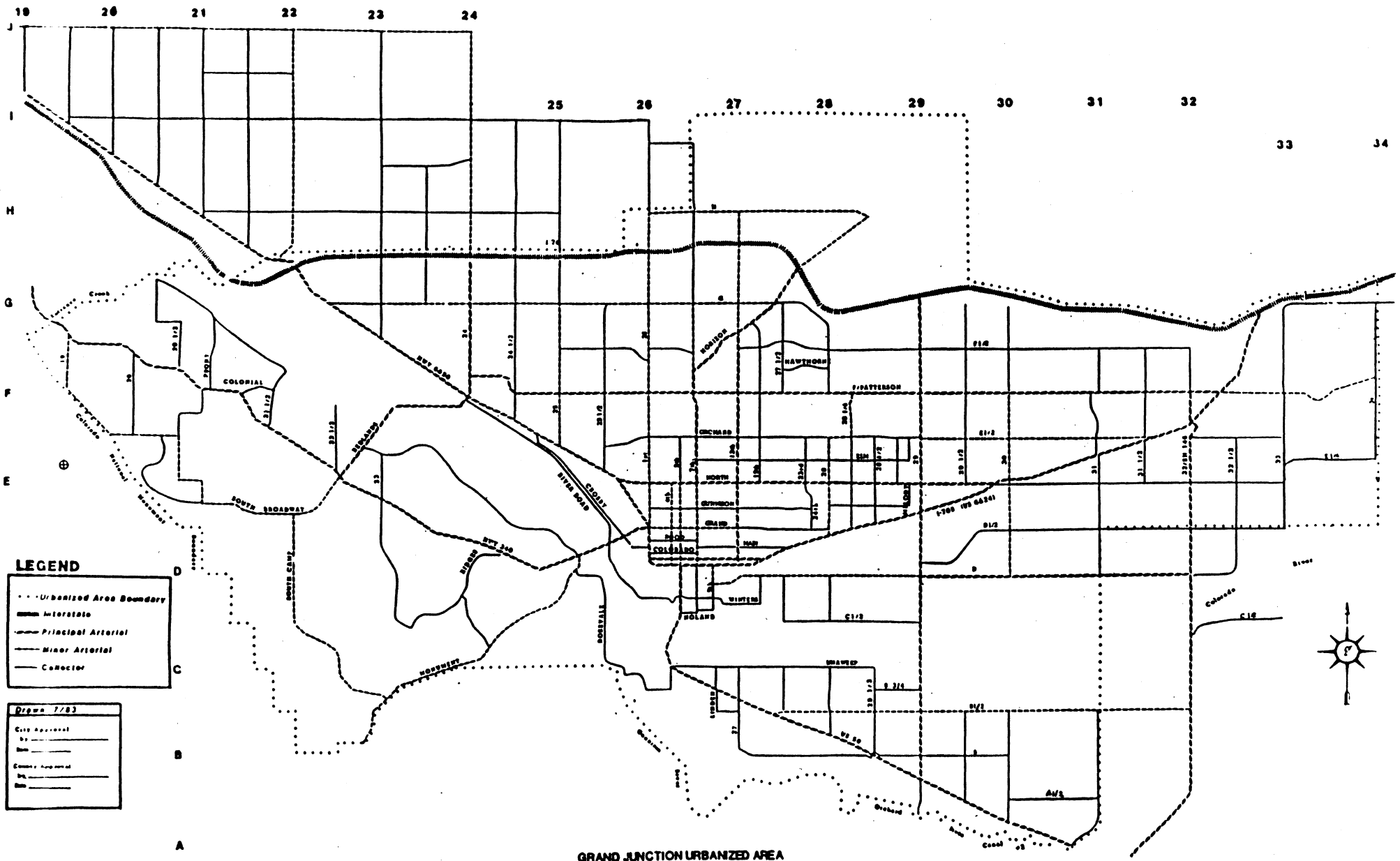
This Appendix is provided for the convenience of the users of this Code. Samples and informational items contained in the following pages are administrative and not a part of the officially adopted ordinance. Users should be aware that the forms or informational sheets may change periodically and should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

- 1A. City Map
- 2A. Right-of-Way Functional Classification
- 3A. Downtown District Map
- 4A. Planning Commission Order of Hearing
- 5A. Handicap Parking Diagrams

1A

GRAND JUNCTION





LEGEND

- - - Urbanized Area Boundary
- ==== Interstate
- - - Principal Arterial
- Minor Arterial
- - - Collector

Drawn 7/83

City Approval
 by _____
 Date _____

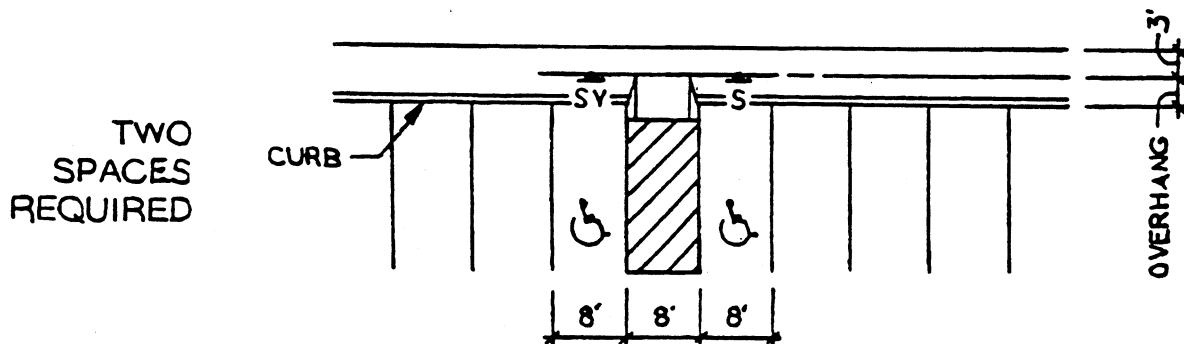
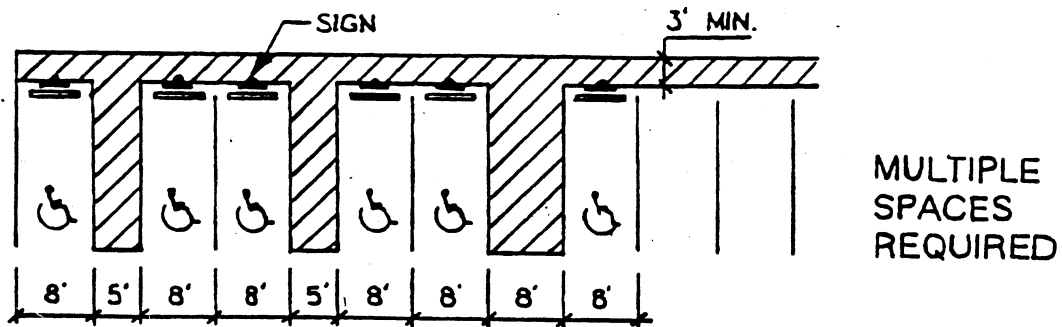
County Approval
 by _____
 Date _____

**GRAND JUNCTION URBANIZED AREA
 RIGHT OF WAY
 FUNCTIONAL CLASSIFICATION**

GRAND JUNCTION PLANNING COMMISSION
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) Planning Staff presents the proposal and Review Agency and Staff comments which have not been resolved. Planning Staff gives recommendation.
- C) Petitioner follows up on the Planning Staff presentation with any additional information on the proposal.
- D) Commission Members may question the Petitioner to clarify any items in the presentation.
- E) Chair asks for public comments in favor of the proposal.
 - (1) Chair should attempt to discourage lengthy repetitive testimony or debate.
 - (2) Public testimony and documents (petitions, exhibits, etc.)
 - (3) Commission members may questions proponents.
- F) Chair asks for public 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 the Petitioner on points brought up by staff, proponents or opponents.
- H) Chair closes public hearing and asks for Commission discussion, motion, second, and vote.

5A



**Handicap space(s) must be provided as per
American Disabilities Act (ADA) requirements**