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# **CHAPTER ONE**

## **GENERAL PROVISIONS**

### **1.1 TITLE**

These regulations shall be known and cited as the City of Grand Junction Zoning and Development Code (“Code”). The Code has been adopted pursuant to Ordinance No. 3240, effective on April 22, 2000.

### **1.2 AUTHORITY**

The City of Grand Junction (“City”) is authorized by its home rule powers pursuant to the Colorado constitution and the City of Grand Junction Charter. The City Council chooses to exercise broad powers including the regulation of zoning, planning, and subdivision of land. In addition, the City Council intends that all other available powers shall support this Code including those powers and those provided by state law, such as but not limited to municipal powers, Planning and Zoning 31-23-101, *et seq.*, C.R.S.; 30-28-201, *et seq.*, C.R.S.; 29-20-101 *et seq.*, C.R.S.; the power to designate and administer areas and activities of state interest, 24-65.1-101, *et seq.*, C.R.S.; regulation of Planned Unit Development, 24-67-101, *et seq.*, C.R.S. If other authority is available because of changes in statutory and case law, state and federal, the City Council intends to avail itself of those resources as well.

### **1.3 APPLICATION**

This Code shall apply to all territory, uses and facilities within the City’s limits, and to public and private lands, all uses thereon, and all structures and buildings over which the City has jurisdiction under the constitution and laws of the state of Colorado of the United States or pursuant to the City’s powers.

### **1.4 PURPOSE**

The Code is intended to enable the City to uniformly and consistently evaluate, improve and approve, as appropriate, development, changes to existing uses, future uses and activities and to promote the health, safety and general welfare of the citizens and residents of the City. Not all situations will fall into easily identifiable processes and requirements. This Code provides flexibility in dealing with situations in general, and especially those which do not fit well with typical processes and standard requirements. The elements that make up this Code are interrelated and cannot be taken in isolation; all provisions and regulations must be taken within the context and intent of the entire Code.

### **1.5 SEVERABILITY**

The provisions of this Code shall be severable. If any provision is declared invalid by a court of competent jurisdiction, the effect of such decision shall be limited to that provision or provisions which are expressly stated in the decision to be invalid; and such decision shall not affect, impair or nullify this Code as a whole or any other part thereof.

## **1.6 RULES OF CONSTRUCTION**

A. To help interpret and apply this Code, the following rules shall apply:

1. The particular controls the general;
2. The text shall control if there is a difference of meaning or implication between the text and any caption or title;
3. The words “shall” and “must” are always mandatory. The words “may” and “should” are permissive and are at the discretion of the decision-maker;
4. Words used in the present tense include the future;
5. Words in the singular include the plural;
6. Words of one gender include all other genders, unless the context clearly indicates otherwise;
7. 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. Words not defined shall be defined by reference to the New Illustrated Book of Development Definitions, 1997. Absent guidance there, words not found in this book shall be defined by reference to the Webster’s Third New International Dictionary unabridged, 1993;
8. Unless otherwise indicated, the term “days” means calendar days, if the period of time referred to is more than 30 days. If the period of time referred to is for less than 30 days, “days” means days when the City is open for business;
9. If the last day of a submission date, period or other deadline is a Saturday, Sunday or a holiday recognized by the City, the period shall end on the last business day; and
10. Use of words like “City Council,” “Planning Commission,” “Director,” “Engineer” includes City officials and staff.

## **1.7 CONSISTENCY WITH GROWTH PLAN**

The Code is intended to implement the goals, objectives and policies of the Grand Junction Growth Plan, as amended (“Growth Plan”) and to be consistent with the Growth Plan.

## **1.8 MINIMUM STANDARDS**

This Code sets the minimum requirements necessary for the promotion of public health, safety, and welfare. In many instances, the public is best served when such minimums are exceeded. If any other applicable law, rule, contract, resolution or regulation of the City, county, state or federal government contains standards covering the same subject matter, the more restrictive requirement or higher standard shall control.

## **1.9 PRIVATE RESTRICTIONS**

This Code is not intended to affect any private agreement or condition such as a deed restriction or covenant. If any provision of this Code is more restrictive or imposes a higher standard than any such private restriction, the requirements of this Code shall control. Where the provisions of any private restriction are more restrictive or impose higher standards than the provisions of this Code, the City has no duty to enforce such private restrictions, but may do so if otherwise

authorized.

## **1.10 APPLICATION OF REGULATIONS DURING LOCAL EMERGENCY**

The Director may waive any or all provisions of this Code during a local emergency declared by the City's mayor or City Manager. A wildfire, flood or other catastrophic situations are examples of a local emergency.

## **1.11 CITY COUNCIL**

The City Council shall:

- A. Appoint members to the:
  1. Planning Commission;
  2. Zoning Board of Appeals; and
  3. Historic Preservation Board.
- B. As it deems appropriate, decide, adopt and/or amend:
  1. The Growth Plan and Future Land Use Map;
  2. Special area plans, corridor plans and neighborhood plans;
  3. The street plans and components of it;
  4. Annexation plans;
  5. Vacations of rights-of-way and lesser interests in land such as easements;
  6. Designation of local historic sites, structures and districts;
  7. Fees to pay for, at least in part, the negative impacts of development; and
  8. Development standards such as Submittal Standards for Improvements and Development (SSID), Stormwater Management Manual (SWMM) and Transportation Engineering Design Standards (TEDS);
- C. Hear and decide all requests for:
  1. Annexation and changes to the City's limits;
  2. Making changes to zones and the zoning maps, including rezonings and planned developments;
  3. Approval and/or amendment to planned development outline development plans;
  4. Approval and/or amendment to planned development preliminary plans for those developments for which the City does not recognize a valid outline development plan;
  5. Revocable permit for use or occupancy of a City right-of-way or public place;
  6. Approval of a vested right as provided in this Code for a site specific development plan;
  7. Appeal of a Planning Commission decision; and
  8. Fee in-lieu of land dedication waiver.

## **1.12 PLANNING COMMISSION**

**Membership and Meetings.** The Planning Commission for the City shall consist of seven regular members and two alternate members. The alternate members shall otherwise have the qualification of regular members of the Commission. At the time of appointment, the City Council shall designate one alternate member as the first alternate and the other as second

alternate. Each alternate member shall attend all meetings and shall serve during the temporary unavailability, including recusal, of any regular Commission member as may be required.

Alternate members, in addition to other duties prescribed by this Code, shall be allowed to vote in the absence of regular members according to their priority: the first alternate shall fill the first vacancy and both alternates shall vote in the absence of two regular members. When a regular member resigns, is removed or is no longer eligible to hold a seat on the Commission, the first alternate shall fill the vacancy and the second alternate shall be designated as the first alternate. The City Council shall then name a replacement second alternate. The Planning Commission Alternates, the Chairman and two other persons to serve at-large, shall serve as the Zoning Board of Appeals and shall discharge the duties of the Board as described and provided for in this Code.

The Director of the Grand Junction Community Development Department and/or his appointed representative shall serve as staff to the Commission.

- A. **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. No member shall be employed by the City, hold any other City office nor be a contractor with the City. The Commission members shall be selected from the fields of engineering, planning, architecture construction trades, and law and citizens-at-large.
- B. **Term.** Members of the Commission shall serve terms of four years. There shall be no limit on the number of terms, including consecutive terms, that any member may serve.
- C. **Vacancies.** All vacancies shall be filled by appointment of the City Council. If a Commission member ceases to reside in the City, his membership on the Commission shall immediately terminate and an appointment made to fill the unexpired term.
- D. **Removal.** Members of the Commission may be removed after public hearing by the City Council. Removal may be for inefficiency, neglect of duty, malfeasance or misfeasance in office. The City Council shall make public a written statement of reasons for removal prior to any public hearing seeking removal of a member.
- E. **Meetings/Voting.** Planning Commission meetings shall be regularly scheduled not less than once a month, provided there are pending items or matters to be brought before the Commission, at a time and place designated annually by resolution of the Council. Special meetings may be held as provided by rules of procedure adopted by the Commission and/or this Code or law. The presence of four voting members is necessary to constitute a quorum.
- F. **Compensation.** All members of the Commission shall be compensated, as the City Council deems appropriate by resolution.
- G. **Commission Powers and Duties.** Except as otherwise provided by the Code, ordinance, rule, policy or regulation of the City Council, the Commission shall be governed by 31-23-201 *et.seq.* C.R.S. The Commission and other city officials mentioned in 31-23-201 *et. seq.* C.R.S. shall have all the powers provided for therein and shall be governed by the procedures set forth by this Code and/or law, ordinance, rule regulation or policy of the City Council. The Planning Commission's powers and duties include, but are not limited to:
  1. Recommend to the City Council all requests for adoption or amendments to:
    - a. The Growth Plan and Future Land Use Map;

- b. Special area plans, corridor plans and neighborhood plans;
  - c. The Grand Valley Circulation Plan;
  - d. The text of this Code and the Zoning Map, including zoning for newly annexed territory;
  - e. Review fees and impact fees;
2. Hear and recommend to the City Council all requests for:
- a. Vacating public right-of-way and easements pursuant to 43-2-301, *et seq.*, C.R.S.;
  - b. Zoning changes, including rezonings and zoning of planned developments;
  - c. Planned development outline development plan approvals and amendments;
  - d. Planned development preliminary plans, if no previous valid outline development plan; and
  - e. A vested right as a part of any site specific development plan.
3. Decide all requests for:
- a. Concept plan review;
  - b. Major subdivision preliminary plan approval;
  - c. Condominium and lease holding plan approvals;
  - d. Vacating any plat;
  - e. Preliminary plan approvals of planned developments and major amendments that are subsequent to an approved outline development plan;
  - f. Conditional use permits;
  - g. Variances to any provision of this Code not otherwise assigned to another review body;
  - h. Appeals of Director's decisions pertaining to the Use/Zone Matrix Table 3.5 of this Code; and
  - i. Appeals of decisions by the Director on administrative development permits.
4. Other tasks as assigned by the City Council.

### **1.13 ZONING BOARD OF APPEALS (ZBOA)**

- A. **Composition.** The Zoning Board of Appeals for the City shall consist of five members, each of whom shall be a City resident and shall represent the interests of the City as a whole. The City Council shall consider citizens with experience in the fields of engineering, law, surveying, development, planning, architecture and construction, as well as citizens-at-large.
- B. **Identity of Members.** The membership of the Board shall be comprised of the Chairman of the Planning Commission, the designated Planning Commission alternates and two at-large members.
- C. **Term.** Members of the Board shall serve terms of four years coincident to their terms on the Planning Commission. There shall be no limit on the number of terms, including consecutive terms, that any member may serve.
- D. **Vacancies.** All vacancies shall be filled by appointment of the City Council. A member's seat on the Board shall be vacant when the member ceases to reside in the City.
- E. **Removal.** The City Council may remove any member of the Board after public

- hearing for good cause including inefficiency, neglect of duty, malfeasance or misfeasance in office. The City Council shall make public a written statement of reasons for the removal prior to said public hearing.
- F. **Meetings.** The Board shall meet at least once a month, provided there is business to be brought before the Board. Special meetings may be held as provided by rules of procedure adopted by the Board. Three members constitutes a quorum.
  - G. **Voting.** A majority of a quorum of the Board shall be sufficient to conduct the business of the Board. A lesser number than a quorum may act to adjourn or continue a meeting.
  - H. **Compensation.** Members shall be compensated as the City Council deems appropriate by resolution.
  - I. **Powers and Duties.** Except as otherwise provided by this Code, ordinance, rule, policy or regulation of the City Council the Zoning Board of Appeals shall be governed by 31-23-307 C.R.S.
    - 1. The Board shall have the power and duty to decide:
      - a. Appeals of Director's decisions made pursuant to this Code;
      - b. Requests to vary the bulk, performance, accessory use, use-specific standards or sign regulations of this Code; and
      - c. Requests for relief from the Nonconforming provisions established in Section 3.8 of this Code.

#### **1.14 BUILDING CODE BOARD OF APPEALS**

For appeals relating to building codes, see Section 105 of the Uniform Building Code (UBC).

#### **1.15 DIRECTOR OF COMMUNITY DEVELOPMENT**

- A. The Director of the Community Development Department ("Director") serves at the direction of the City Manager. The Director shall decide requests for a:
  - 1. Planning clearance;
  - 2. Home Occupation permit;
  - 3. Temporary Use permit;
  - 4. Change of Use permit;
  - 5. major site plan review;
  - 6. minor site plan review;
  - 7. Fence permit;
  - 8. Sign permit;
  - 9. Floodplain development permit;
  - 10. Simple Subdivision;
  - 11. Major Subdivision final plat;
  - 12. Major Subdivision construction plan;
  - 13. minor amendment to Planned Development district preliminary plans;
  - 14. Planned Development final plan;
  - 15. Planned Development final plan amendment;
  - 16. minor deviations to any Zoning district bulk standard; and
  - 17. Development Improvement Agreement.

## **1.16 VIOLATIONS UNDER PRIOR CODE**

Any person who violates any provision of the prior Code shall be subject to the provisions of that Code which shall remain in effect for these purposes.

## **1.17 NONCONFORMITIES UNDER PRIOR CODE**

A lawful nonconformity under the previous Code may remain as a nonconformity, so long as use or location is continuous. Any expansion or increase that is not permitted by this Code is unlawful.

## **1.18 APPLICABILITY OF THIS CODE**

- A. New Zoning and Development Code.** This Code shall apply:
1. To each Application for which an application is made after July 26, 2000 and each development approved after August 7, 2000; and
  2. If the Planning Commission or City Council find that the development schedule has not been met, the Development has been abandoned, or is not in compliance with the former Code.
  3. An applicant may elect to use the provisions of this Code any time after the effective date, however, an election to use the new Code shall lock the applicant into the new Code.
- B. Former Zoning and Development Code.** The former Code shall apply:
1. To any development that has received final approval on or before July 19, 2000;
  2. To any development that has been approved as a site specific development plan (SSDP) under the former Code on or before January 31, 2001; and
  3. To any development for which a preapplication conference has occurred prior to the effective date of this Code provided:
    - a. The development application is submitted within six (6) months of the date the preapplication conference was held; and
    - b. The development has received preliminary approval under the former Code by January 31, 2001; and
  4. To any development that has received preliminary approval under the former Code on or before January 31, 2001. Unless specifically approved by the City Council, no development schedule may extend the applicability of the former Code beyond December 31, 2004.
- C. Extensions of Development Schedule.**
1. The Planning Commission may recommend and the City Council may extend a development schedule under the former Code beyond December 31, 2004 upon a satisfactory showing that:
    - a. The developer has installed or will install during the term of the development schedule adequate, contemporary infrastructure. Adequate, contemporary infrastructure means that all infrastructure/facilities are/will be constructed to then existing standards, and
    - b. The general scale, density/intensity of the development is consistent with then established community standards and development trends, and

- c. That no compromise, modification or amendment of the Code other than to one or more bulk standard is proposed with or as part of the extension of the former Code.
  - 2. No extension of an approved development schedule shall extend or change the effective date of vesting of a property right under a SSDP unless specifically provided by written agreement, approved by the Planning Commission after Public Notice and Hearing.
- D. **Appeals.** A decision by either the Planning Commission or the City Council to apply this Code or the former Code is not appealable other than in accordance with Colorado Rule of Civil Procedure 106.

# CHAPTER TWO PROCEDURES

## 2.1 REVIEW AND APPROVAL REQUIRED

The policies and regulations in this Code apply to the use and/or development of all land. No person shall begin or change a land use or development in the City without first obtaining a permit or approval from the Director.

Table 2.1 summarizes the procedures, agencies and public bodies involved in the development proposal process. The procedures, applications, the agencies and public bodies involved in the process, and the methods of appeal are described in Sections 2.2 and 2.3.

**Table 2.1  
REVIEW PROCEDURES SUMMARY**

Application Process	General Meeting <sup>1,9</sup>	Neighbor-hood Meeting	Acting Body				Notices <sup>2</sup>		
			Director	PC	CC	ZBOA	Public	Mail	Sign
<b>ADMINISTRATIVE PERMITS</b>									
Planning Clearance	-	-	D	-	-	A	-	-	-
Certificate of Occupancy	-	-	D	-	-	A	-	-	-
Home Occupation	-	-	D	-	-	A	-	-	-
Temporary Use	-	-	D	-	-	A	-	-	-
Change of Use	-	-	D	-	-	A	-	-	-
Site Plan Review (Major/Minor)	M (Major Only)	-	D	A	-	-	-	-	-
Fence	-	-	D	-	-	A	-	-	-
Sign	-	-	D	-	-	A	-	-	-
Floodplain Permit	-	-	D	-	-	A	-	-	-

**Table 2.1 Continued**

Application Process	General Meeting <sup>1,9</sup>	Neighbor-hood Meeting	Acting Body				Notices <sup>2</sup>		
			Director	PC	CC	ZBOA	Public	Mail	Sign
<b>GROWTH PLAN AMENDMENT<sup>3</sup></b>									
Text Amendments	-	-	R	R	D	-	M	-	-
Map Amendments	-	M <sup>4</sup>	R	R	D	-	M	M <sup>6</sup>	M <sup>6</sup>
<b>CODE AMENDMENTS</b>									
Zoning Map Amendments	-	M <sup>4</sup>	R	R	D	-	M	M <sup>6</sup>	M <sup>6</sup>
Text Amendments	-	-	R	R	D	-	M	-	-
<b>MAJOR SUBDIVISION</b>									
Concept Plan (optional)	O	O	R <sup>8</sup>	D <sup>8</sup>	-	-	-	-	-
Preliminary Plan not in conjunction with action requiring Council approval	M	M <sup>5</sup>	R	D <sup>7</sup>	A	-	M	M	M
Final Plat	-	-	D	A	-	-	-	-	-
Development Improvement Agreements	-	-	D	-	-	-	-	-	-
<b>PLANNED DEVELOPMENT</b>									
ODP (optional)	M	O	R	R	D	-	M	M	M
Preliminary Plan	M	M <sup>4,5</sup>	R	R	D	-	M	M	M
Final Plan	-	-	D	A	-	-	-	-	-
Plan Amendments Major Minor	- -	M <sup>4,5</sup> -	R D	D A	A -	- -	M -	M M	M -
<b>OTHER APPLICATIONS</b>									
Conditional Use Permit	M	O	R	D	A	-	M	M	M
Historic Preservation	-	-	R	-	D	-	M	-	-

**Table 2.1 Continued**

Application Process	General Meeting <sup>1,9</sup>	Neighbor-hood Meeting	Acting Body				Notices <sup>2</sup>		
			Director	PC	CC	ZBOA	Public	Mail	Sign
Revocable Permit	-	-	R	-	D	-	-	-	-
Zoning of Annexation	-	-	R	R	D	-	M	M <sup>6</sup>	M <sup>6</sup>
Simple Subdivision	M	-	D	A	-	-	-	M	-
(Vacation Plat, Easement or Right-of-way)	-	-	R	R	D	-	M	M	M
Variance City Council ZBOA	- -	- -	R R	R -	D -	- D	M M	- M	- M
Vested Rights	-	-	R	R	D	-	M	-	-
Appeal of Director Decisions	-	-	-	-	-	D	M	-	-
Institutional & Civic Facility Master Plans	M	M	R	R	D	-	M	M	M

**Table 2.1 Continued**

Application Process	General Meeting <sup>1,9</sup>	Neighborhood Meeting	Acting Body				Notices <sup>2</sup>														
			Director	PC	CC	ZBOA	Public	Mail	Sign												
<p><b>KEY:</b></p> <table> <tr> <td>M</td> <td>Mandatory</td> <td>R</td> <td>Review Body</td> </tr> <tr> <td>O</td> <td>Optional/Recommended</td> <td>D</td> <td>Decision Maker</td> </tr> <tr> <td>-</td> <td>No/Not Applicable</td> <td>A</td> <td>Appeal Body</td> </tr> </table> <p><b>Footnotes:</b></p> <p><sup>1</sup> Where required, a General Meeting with City staff must occur before a development application will be accepted. In addition, a Preapplication Conference with City staff is highly recommended for most subdivisions, multifamily, commercial and industrial projects, as the best way to ensure the success of a project.</p> <p><sup>2</sup> Some administrative review does require notice. See Section 2.2.B.3.</p> <p><sup>3</sup> The Joint City/County Planning Commission decides requests to amend the Growth Plan for unincorporated property in the Joint Urban Planning Area.</p> <p><sup>4</sup> A neighborhood meeting is required for a Growth Plan amendment or rezoning to a greater intensity/density.</p> <p><sup>5</sup> A neighborhood meeting is required if 35 or more dwellings or lots are proposed.</p> <p><sup>6</sup> Mailed notice and sign posting is not required for Growth Plan map amendments, rezonings or zoning of annexations relating to more than five percent (5%) of the area of the City and/or related to a Citywide or area plan process.</p> <p><sup>7</sup> The Director shall be the decision-maker for nonresidential condominium preliminary plans for platting.</p> <p><sup>8</sup> The Director may make recommendations. The Planning Commission members should react, comment, question, critique and give direction (Section 2.7).</p> <p><sup>9</sup> Even though a General Meeting may not be required, applicants should confer with City staff regarding potential issues with a proposed development, and to receive a submittal checklist.</p>										M	Mandatory	R	Review Body	O	Optional/Recommended	D	Decision Maker	-	No/Not Applicable	A	Appeal Body
M	Mandatory	R	Review Body																		
O	Optional/Recommended	D	Decision Maker																		
-	No/Not Applicable	A	Appeal Body																		

## 2.2 ADMINISTRATIVE DEVELOPMENT PERMITS

- A. Generally, the procedures for all applications have three (3) common elements: (1) submittal of a complete application, including required fees; (2) review by City staff and other review agencies; and (3) action and/or decision.
- B. **Common Elements of Procedures.** The following procedures apply unless modified by more specific provisions elsewhere. The times for the City to act are maximum number of working days. The Director may shorten any time frame specified herein.

### 1. **General Meeting/Preapplication Conference.**

- a. **General Meeting.** The general meeting allows the applicant to meet informally with the staff to discuss a project and provide feedback and ideas. Based on the detail and information provided, the staff will give direction on the merits, procedures and issues on a proposed project. A General Meeting is not required for all applications. A development application may not be submitted until after the general meeting is completed if required by the Director.

- b. **Preapplication Conference.** A preapplication conference (“preapp”) with City staff is highly recommended for most subdivisions, multifamily, commercial and industrial projects. The general purposes of a preapplication conference are to:

- (1) Understand the proposed project and the applicant’s specific objectives;
- (2) Identify applicant time goals such as property closing dates, construction starts, and operation dates;
- (3) Identify City approvals needed before any development can start;
- (4) Identify documents, plans, drawings, fees and process other materials necessary for a complete application;
- (5) Identify significant issues likely to arise to be dealt with; and
- (6) Begin to familiarize the applicant with City requirements, and this Code.

- c. **Applicability.** Table 2.1 shows the permits for which a general meeting is required. The Director may waive the general meeting if it is not likely to help the neighborhood or applicant.

- d. **Application Requirements.** Submittal requirements for permits are listed in the SSID Manual; however, the scope or location of any specific proposal may require the applicant to provide different or additional information. At the general meeting or preapplication conference, the Director shall decide what information will be required to evaluate the proposal. At any time the Director may change his mind based on new



information, mistakes or neighborhood concerns and require additional or different information. The Director shall give the applicant a form showing the decisions and requirements from the general meeting or preapplication conference.

2. **Application Requirements.**

- a. **Materials.** Lists of required application materials are available from the Director and are included in the SSID Manual.
- b. **Application Deadlines.** Application deadlines are included in the SSID Manual or by administrative policy.
- c. **Application Fees.** The City Council sets fees to recover some of the costs of processing, publicizing, and reviewing applications. City Council may, by resolution, modify any fee at any Council meeting.
- d. **Completeness.** The Director shall decide if the application is complete. If the application is not deemed complete, the Director shall notify the applicant and the submittal shall be returned. The Director shall retain a copy of the checklist identifying any submittal deficiency.

3. **Notice.** Public notice is not required for most administrative permits. The duty to provide notice, when required, is always the applicant's. Notice is provided as follows:

- a. Within five (5) working days of receipt of a complete application, the Director shall give notice, at the applicant's cost, by first class U.S. mail to each person shown as an owner within 500 feet and at the address by the County Assessor.
- b. Notice should include a general description of the proposal, the location of the property and the soonest the Director can decide on the application.
- c. The Director's failure to send any notice does not mean the proposal is approved since it is always the applicant's ultimate responsibility to see that all City rules, requirements and procedures are followed. The Director may require the applicant pay for additional notice, in any form for any type of proposal if he believes such notice will further the purpose or intent of this Code.

4. **General Procedures.**

- a. The Director shall evaluate each application for compliance with City requirements. The Director shall solicit other agency comments. The Director shall provide his/her comments in writing to the applicant.
- b. The Director may forward copies of the applications to various agencies for their input and review. Such other agencies include:
  - (1) Other City departments;
  - (2) Utilities;
  - (3) Law enforcement;
  - (4) Fire protection agencies;
  - (5) General purpose government;
  - (6) State agencies (e.g., Geologic Survey, Transportation, Natural Resources, Wildlife); and

- (7) Federal agencies (*e.g.*, Federal Emergency Management Agency, Bureau of Land Management, U.S. Army Corps of Engineers).
    - c. Agency review and input is advisory only.
    - d. An application submitted to the City for review must be diligently pursued and processed by the applicant. Accordingly, if the applicant, within ninety (90) calendar days of mailing of the City's review comments on any submittal (or resubmittal) of an application for approval of a development application, does not resubmit revised documents to address comments from the City, the development application shall lapse and become null and void. The Director may grant one (1) extension of the foregoing ninety (90) day requirement, not to exceed thirty (30) days in length.
  5. **Comments – Time to Respond.**
    - a. The Director must approve, approve with conditions, or disapprove all complete applications for an administrative permit.
    - b. After receipt of the applicant's written response to comments/recommendations the Director shall, based on the applicable review criteria, approve, approve with conditions or disapprove the application. The Director may allow the applicant additional resubmittals and responses before the Director decides.
  6. **Appeals and Amendments.** The Director's decision is final unless the Director receives written appeal within ten (10) working days of the date the City's records show the notice of decision was mailed. A permit shall be amended through the process it was originally approved.
  7. **Validity.** Unless otherwise provided herein an administrative permit shall expire on the anniversary date, one (1) year after, except that the Director may extend the permit for up to 180 more days if the applicant proves he/she can complete the project in conformance with currently adopted codes and policies.
  8. **Continued Compliance.** Once constructed, the owner(s) and developer shall be treated as an association (unless otherwise formed) and shall be liable for and responsible to maintain the development in substantial compliance with City regulations, approved plans and conditions. Failure to achieve substantial compliance including, but not limited to, the replacement of required plant materials that have died or are diseased, shall constitute a violation of this Code and may be enforceable by the City in Municipal Court subject to the provisions of Chapter Eight.
  9. **Enforcement and Revocation.** In accordance with the provisions of Chapter Eight, the Director may revoke any permit for failure to comply with the conditions of the permit or failure to comply with any provision of this Code, or if any information, statement or documents supplied by or on behalf of an applicant are false, misleading or omit any material fact or information.
- C. **Administrative Permits - General Types**
  1. **Planning Clearance.**

- a. No person shall establish, modify or expand a use or a structure, other than a fence or sign regulated by this Code, until both a planning clearance and a building permit have been issued.
  - b. Review Criteria. The proposed development shall:
    - (1) Be located on a lot or parcel that is authorized for development by this Code;<sup>6</sup>
    - (2) Be consistent with the zone and use provisions established in Chapter Three of this Code;
    - (3) Be served by the required public facilities and services; and
    - (4) Have received all applicable local, state and federal permits.
  - c. Application, Review and Decision-Making Procedures. See Table 2.1 and Section 2.2.B, except that:
    - (1) Planning clearance shall expire 180 days after it is issued. If a building permit is obtained within such six (6) month period, the planning clearance shall be valid for as long as the building permit remains valid.
2. **Building Permit.**
- a. No person shall construct, modify or use a structure until a planning clearance has been obtained and a building permit has been issued.<sup>7</sup>

**D. Administrative Permits - Use Types**

1. **Home Occupation Permit.**

- a. **Purpose.** Home occupation permits are needed to ensure that all home occupations are conducted in a safe manner without adverse affects on neighboring properties.
- b. **Applicability.** No person shall conduct a home occupation until the Director has issued a home occupation permit.
- c. **Review Criteria.** The applicant shall demonstrate that the proposed use conforms to the home occupation standards established in Chapter Four of this Code.
- d. **Application, Review and Decision-Making Procedures.** See Table 2.1 and Section 2.2.B.

2. **Temporary Use Permit.**

- a. **Purpose.** A temporary use permit helps ensure that temporary uses, including special events, are safe and minimizes adverse impacts on City infrastructure and neighboring properties.
- b. **Applicability.** No person shall establish a temporary use for a period exceeding forty-eight (48) hours without a temporary use permit. Special events and activities conducted on public property, such as school sites and City parks, which have the consent of the owner, shall be exempt from

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<sup>6</sup> If the lot or parcel is “not authorized” only the Zoning Board of Appeals can approve the planning clearance.

<sup>7</sup> “Construct,” “use,” or “modify” means, in this context, that a building permit is required under the adopted Building Code.

the provisions of this Section 2.2.D. Only one (1) temporary use is permitted at any given time on a parcel or lot.

c. **Review Criteria.** The applicant shall demonstrate that:

- (1) The use is an authorized temporary use pursuant to Section 4.3.L.;
- (2) There is no other temporary use on the parcel or lot;
- (3) The use will not be detrimental to the public health, safety and general welfare;
- (4) The use is consistent with the purpose and intent of this Code and the specific zoning district in which it will be located;
- (5) The use is compatible (intensity, characteristics and appearance) with existing land uses in the neighborhood. Factors to determine compatibility include: location, noise, odor and light, dust control and hours of operation;
- (6) The use will not cause traffic to exceed the capacity of affected streets;
- (7) Adequate off-street parking exists in accordance with Section 6.6 of this Code. The use shall not displace the required off-street parking spaces or loading areas of the principal permitted uses on the site;
- (8) Access to public right-of-way complies with City requirements, except that hard surface travel lanes are not required for a temporary use;
- (9) Permanent hookups to utilities are not provided;
- (10) Yard and property line setbacks are met for structures and/or display of merchandise. Displays shall not interfere with the sight visibility triangle of the intersection of the curb line of any two (2) streets or a driveway and a street. No personal property, including structures, tents, *etc.* shall be located within the public right-of-way;
- (11) Signage is allowed only while the temporary use is permitted. A temporary use sign shall not exceed thirty-two (32) square feet, excluding signage fixed to an operable motor vehicle. There shall be no portable signs. No off-premise sign shall advertise a temporary use;
- (12) At least thirty (30) calendar days have passed since any temporary use on the parcel or lot; and
- (13) The temporary use will not exceed four (4) months.

d. **Application, Review and Decision-Making Procedures.** See Table 2.1 and Section 2.2.B.

3. **Change of Use Permit.**

a. **Applicability.** No person shall change the use of a structure or property to another principal use unless and until the Director has issued a change of use permit. A change of use from residential to any other use requires a site plan review. A change of use does not occur unless:

- (1) The Code requires more off-street parking for the new use than is available on the property;

- (2) There is any increase in traffic, actual or projected; or
    - (3) The amount of storm water runoff or impervious area is increased.
  - b. **Criteria.** The applicant shall prove that:
    - (1) The change of use will be consistent with the zoning district and use provisions established in Chapter Three;
    - (2) Accessory uses conform with the provisions in Section 4.1;
    - (3) Parking for the previous use complied with the previous Code, and the change of use will increase the required parking by five (5) or fewer spaces, in which case additional on-site parking is not required. The required parking spaces may be reduced by up to ten percent (10%) for each 200 square feet additional landscaped area provided for each parking space; and
    - (4) New parking areas shall comply with the landscaping, access, paving and drainage requirements of this Code.
  - c. **Application, Review and Decision-Making Procedures.** See Table 2.1 and Section 2.2.B.
- 4. **Major Site Plan Review.** The Director reviews site plans to determine compliance with this Code, the Growth Plan, adopted corridor guidelines and other regulations. The siting of structures and site improvements are reviewed to promote compatibility with the neighborhood.
  - a. **Applicability.**
    - (1) No person shall begin any development, pour any structure foundation or move earth in preparation for construction without receipt of the Director's approval of a site plan. Construction plans, based upon the approved final site plan and consisting of detailed specifications and diagrams illustrating the location, design and composition of all improvements identified in the final site plan and required by this Code, shall be submitted to the City for any project that necessitates the construction, reconstruction or modification of new or existing improvements. These documents shall include complete plans and specifications of all required improvements identified and approved as part of the final site plan phase. The City shall keep the plans as a permanent record of the required improvements. All development requires major site plan review except:
      - (A) A structure with one (1) or two (2) dwellings;
      - (B) Nonresidential, interior remodeling which will cost twenty-five percent (25%) or less of the fair market value of the existing structure;
      - (C) An approved home occupation;
      - (D) An approved temporary use;
      - (E) An approved fence and a wall;
      - (F) An approved sign;
      - (G) An approved change of use;

- (H) Minor site plan development; and
  - (I) A Development which the Director determines does not require a major site plan review if the development will not adversely affect the neighborhood and meets the purpose and intent of this Code.
- (2) Major site plan review shall occur prior to issuance of a planning clearance and a building permit.
- b. **Review Criteria.** The Director will approve the major site plan if the applicant demonstrates that the proposed development complies with:
- (1) Adopted plans and policies, such as:
    - (A) The Growth Plan and any applicable corridor, special area or neighborhood plans; and
    - (B) The Grand Valley Circulation Plan, trails plan and parks plan;
  - (2) Conditions of any prior approvals;
  - (3) Other Code requirements, including:
    - (A) Rules of the zoning district;
    - (B) The Use-specific standards in Chapter Three;
    - (C) The design and improvement standards provided in Chapter Six; and
  - (4) Quality site design practices, including:
    - (A) The site shall be organized harmoniously and efficiently in relation to topography, the size and type of the property affected, the character and site design of adjoining property, and the type and size of structures. The site shall be developed to accommodate future growth in the neighborhood.
    - (B) To the maximum degree practical, the native floral bushes, grasses and trees and other landscaping shall be preserved, by minimizing vegetation disturbance and soil removal and by other appropriate site construction planning techniques. Wind and water erosion shall be minimized through site design.
    - (C) Fences, walls and live screening shall be provided to protect the neighborhood and the future uses of the site from adverse effects such as undesirable views, lighting and noise.
    - (D) Plant materials shall be in scale with the structures, the site and its uses and surroundings. Plantings should be arranged to harmonize in size, color, texture, and year-round characteristics of the structures and the site.
    - (E) The scale, character and orientation of structures shall be compatible with present and future uses.
    - (F) Exterior lighting shall be hooded so that no direct light is visible off the site.
    - (G) All utility service lines shall be underground including natural gas, electrical, telephone, and cable television lines.

- (H) On-site parking, loading and vehicular and pedestrian circulation must be safe.
  - (I) Safe and convenient pedestrian, bicycle and vehicular access to public rights-of-way and common use shall be provided. The location, size and number of vehicular and pedestrian accesses shall be arranged to minimize negative impacts on the neighborhood. Off-site and on-site improvements may be required for safe vehicular and pedestrian movement.
  - (J) Emergency and utility vehicles must have obvious and ready access to all structures and areas of the site.
  - (K) Public facilities and utilities shall be available concurrent with the Development.
- c. **The Application, Review and Decision-Making Procedures.** See Table 2.1 and Section 2.2.B.
  - d. **Validity.** Unless otherwise approved, a major site plan shall only be valid for 180 calendar days. If a building permit is obtained within said 180 calendar days, the major site plan approval shall be valid for as long as the building permit remains valid.
5. **Minor Site Plan.**
- a. This review process may be used by the Director to review lesser-intensity projects if a limited review of zoning, parking, circulation, access and minor drainage changes will be adequate. Construction plans, based upon the approved final minor site plan and consisting of detailed specifications and diagrams illustrating the location, design and composition of all improvements identified in the final minor site plan and required by this Code, shall be submitted to the City for any project that necessitates the construction, reconstruction or modification of new or existing improvements. These documents shall include complete plans and specifications of all required improvements identified and approved as part of the final site plan phase for minor site plan review. The City shall keep the plans as a permanent record of the required improvements.
  - b. The Director may use this review process if the proposed project is limited to:
    - (1) A new structure of up to 1,000 gross square feet only for storage, mechanical room, *etc.* if water and sewer services are not provided and if no structures currently exist on the parcel;
    - (2) An addition to a structure of up 1,000 gross square feet or a new structure of up to 1,000 square feet on a lot with one (1) or more structures;
    - (3) An existing parking lot or existing work area to be paved with asphalt or concrete;
    - (4) A temporary office trailer;
    - (5) Similar low-impact uses; or
    - (6) A proposed residential subunit or accessory unit.

- c. **Criteria.** To receive approval the applicant must demonstrate that the development:
  - (1) Complies with the Growth Plan; and any applicable corridor, special area and neighborhood plans;
  - (2) Complies with the adopted Grand Valley Circulation Plan, trails plan and parks plan;
  - (3) Will be located on property that is authorized for development by this Code;
  - (4) Is consistent with the zoning and use provisions;
  - (5) Meets parking, access and drainage requirements;
  - (6) Is served by public facilities; and
  - (7) Has or is eligible to receive all applicable local, state and federal permits.
- d. **The Application, Review and Decision-Making Procedures.** See Table 2.1 and Section 2.2.B.
- e. **Validity.** Unless otherwise approved, a minor site plan shall only be valid for 180 calendar days. If a building permit is obtained within said 180 calendar days, the minor site plan approval shall be valid for as long as the building permit remains valid.

**E. Other Administrative Permits.**

**1. Fence Permit.**

- a. **Applicability.** No person shall erect or maintain a fence or wall unless the Director has issued a fence permit. A fence or wall that exceeds six feet (6') in height is considered a structure and requires a planning clearance and building permit instead of a fence permit. Fences may be required in any development to restrict or direct access to other property, right-of-way or for aesthetic purposes. Fences must comply with Section 4.1.J of the Code, any design guidelines and other conditions of approval. A fence or a wall may vary from the standards in Section 4.1.J if approved as part of a development plan;
  - (1) In a proposed planned development zone; or
  - (2) On a site with a conditional use permit.
- b. **Criteria.** No fence shall be built unless the Director has approved a plan showing the type and method of construction, anchoring of the posts and gates; the distance between the fence and the property lines including right-of-way; and the height of the fence.
- c. **The Application, Review and Decision-Making Procedures.** See Table 2.1 and Section 2.2.B.
- d. **Validity.** A fence permit shall only be valid for 180 calendar days.

**2. Sign Permit.**

- a. **Applicability.** No person shall erect or display a nonexempt sign (see Section 4.2) unless the Director has issued a sign permit. An on-premise temporary sign may be erected without a permit if done as referred in Section 4.2.D. No person shall alter a sign face by painting or overlay

such that the color, symbols, letters or other aspect is changed without a permit. Touching up or repainting existing letters, symbols, *etc.*, is maintenance and does not require a permit.

b. **Criteria.**

- (1) All signs shall be constructed and maintained in accordance with Section 4.2.
- (2) A sign in a corridor overlay district shall comply with the design guidelines.
- (3) The zoning district may further restrict and limit the type of sign.
- (4) A sign shall be located on the property to which it refers unless permitted as off-premise sign. A sign shall be permanent except as allowed in Section 4.2.D.
- (5) An exterior sign shall be designed to withstand a wind load of thirty (30) pounds per square foot.
- (6) No person shall place on or attach any sign to any public property, including any curb, sidewalk, post, pole, hydrant, bridge, tree or other surface unless authorized by this Code or other City ordinance.

c. **The Application, Review and Decision-Making Procedures.** See Table 2.1 and Section 2.2.B.

d. **Validity.** A sign permit or clearance shall only be valid for 180 calendar days.

3. **Floodplain Development Permit.**

a. **Applicability.** No person shall construct or maintain any use or structure nor make any development in a floodplain or within any area of special flood hazard (Section 7.1) unless the Director of Public Works and Utilities has issued a floodplain permit.

b. **Review Criteria.** The Director of Public Works and Utilities shall not issue a floodplain permit unless the applicant demonstrates conformance with Section 7.1 of this Code.

c. **The Application, Review and Decision-Making Procedures** are in Table 2.1 and Section 2.2.B. When base flood elevation data has not been provided in accordance with Section 7.1.C, the Director of Public Works and Utilities may use any flood elevation and floodway data available from a federal, state or other source as criteria to decide how and if construction, substantial improvements, or other development in the floodplain may be permitted.

d. **Director's Responsibilities.**

- (1) **Record Keeping.** The Director of Public Works and Utilities shall obtain and maintain the following information:
  - (A) The actual elevation (relative to mean sea level) of the lowest floor (including basement) of each structure;
  - (B) For each new or substantially improved floodproofed structure, the actual elevation (relative to mean sea level) to which the

structure has been floodproofed and the floodproofing certifications required in Section 7.1; and

- (C) Records pursuant to Section 7.1.
  - (2) Alteration of Watercourses. The Director of Public Works and Utilities shall require proof that the applicant has:
    - (A) Notified adjacent communities and the Colorado Water Conservation Board prior to any alteration or relocation of a watercourse. The Director of Public Works and Utilities shall submit evidence of such notification to the Federal Emergency Management Agency; and
    - (B) Demonstrated that maintenance is provided for within the altered or relocated portion of said watercourse so that the flood-carrying capacity is not diminished.
  - (3) FIRM Boundaries. The Director of Public Works and Utilities shall interpret the Flood Insurance Rate Maps (FIRM) to decide location of the boundaries of the areas of special flood hazard.
4. **Simple Subdivisions** (lot consolidations, lot splits, boundary adjustments and Plat corrections)
- a. **Purpose.** The simple subdivision process allows the Director to approve a minor lot adjustment and a lot split and to correct a minor error in a plat.
  - b. **Applicability.** If requested in writing by every owner and every lienor, the Director may allow the simple subdivision process to be used to:
    - (1) Consolidate one (1) or more lots;
    - (2) Create only one (1) additional lot;
    - (3) Change a boundary line between two (2) abutting lots or parcels; or
    - (4) Change a plat to:
      - (A) Correct an error in the description;
      - (B) Indicate monuments set after death, disability or retirement of the engineer or surveyor;
      - (C) Correct any monument;
      - (D) Correct a scrivener or clerical error such as lot numbers, acreage, street names and identification of adjacent recorded Plats;
      - (E) Correct an error in a legal description of adjacent property;
      - (F) Change a lot line in order to cure an encroachment on or over a lot line or an easement; or
      - (G) Change a lot line between lots if the number of lots does not increase.
  - c. **Criteria.** The Director will approve a simple subdivision if the applicant demonstrates that:
    - (1) All lots comply with this Code, including Section 3.6.B and the density provisions;
    - (2) There is no change to existing easements or right-of-way (additional easements or right-of-way may be dedicated);

- (3) The right-of-way shown on the Grand Valley Circulation Plan is not changed;
  - (4) The character of the plat and the neighborhood will not be negatively impacted; and
  - (5) No portion of the property has been the subject of a lot split in the preceding ten (10) years.
- d. **Application and Review Procedures** are in Table 2.1 and Section 2.2.B, except:
- (1) A general meeting is required;
  - (2) The neighborhood shall be given notice;
  - (3) A perfected appeal of a Director's decision shall be reviewed by the Planning Commission; and
  - (4) The final approval shall be the recording of the plat.

## 2.3 PERMITS REQUIRING PUBLIC HEARING

- A. Generally, the procedures for all applications have three (3) elements:
- 1. Submittal of a complete application, including payment of fees;
  - 2. Review by City staff and other agencies; and
  - 3. A decision.
- B. **Common Elements of Procedures.** The following requirements are common to all applications. The times for the City to act are maximums stated in terms of working days. The Director may shorten any time frame specified herein.
- 1. **General Meeting.** At a general meeting the applicant discusses the project with City staff in more depth to obtain general feedback and ideas. Based on the amount of detail and information the applicant presents, the staff shall attempt to give direction on a proposed project. After a general meeting a development application may be submitted. A general meeting is not required for all applications. The Director may waive the general meeting requirement if it is not likely to help the neighborhood or applicant.
  - 2. **Preapplication Conference.** A preapplication conference with City staff is highly recommended for most subdivisions, multifamily, commercial and industrial projects to:
    - a. Understand the project and the applicant's objectives;
    - b. Identify applicant deadlines such as property closing dates, preferred construction and operation dates;
    - c. Identify the needed approvals;
    - d. Identify the documents, plans, drawings, fees and other materials needed to complete the application;
    - e. Identify the most significant issues; and
    - f. Show the applicant how to meet the Code and other requirements.
  - 3. **Application Requirements.** The SSID Manual lists what is needed to apply for each type of permit. However, the particulars of a project may require different types or levels of information. At the preapplication conference, the Director will tell the applicant what information the applicant must supply to

begin the assessment of the project. At any time during the process, the Director may require additional information to respond to issues or concerns. The Director will list the requirements/information told to the applicant at the preapplication conference and place the list in the file.

- a. **Application Deadlines.** Important application deadlines are in the SSID Manual or by the Director's written policies.
  - b. **Application Fees.** The City Council sets fees in amounts sufficient to recover all or a portion of the taxpayer costs spent processing, giving notice, and reviewing development applications.
  - c. **Completeness.** The Director shall determine if the application is complete. If it is not complete, the Director shall notify the applicant and the submittal will be returned. The Director shall retain a copy of the checklist identifying any submittal deficiency.
4. **Neighborhood Meeting.** A neighborhood meeting should produce a better project through dialogue between the developer and neighbors leading to consensus.
- a. **Neighborhood Meetings.** Some neighborhood meetings are optional before an application is submitted. If a neighborhood meeting has not been held, then the review body may continue at the first public hearing regarding the project and require that a neighborhood meeting be held before the application is reviewed further if:
    - (1) Neighbor(s) lack significant information or have significant missing information about the project;
    - (2) Neighbor(s) have identified to the review body significant impacts that the developer has not addressed adequately; or
    - (3) Neighbor(s) have suggested to the review body reasonable changes to the project to lessen negative impacts or make improvements to the neighborhood.
  - b. **Required Neighborhood Meetings.** A neighborhood meeting shall be held after the general meeting or preapplication conference, but before an application is submitted.
  - c. **Limitations to Directed Neighborhood Meetings.** If a neighborhood meeting has been held within three (3) months before the application, the review body may not continue a hearing to require a neighborhood meeting. An applicant may always request a continuance during public hearing in order to have a neighborhood meeting.
  - d. **The Neighborhood.** All properties any part of which is located within a radius of 500 feet of any portion of the project are considered "the neighborhood." Each homeowner's association, condominium association, other organized neighborhood group (such as a merchants association), or any member's lot or parcel of which is within 1,000 feet of the project is part of the neighborhood, as are any other formal or informal organized groups known to the Director, which has registered with the Community Development Department is also considered "the

neighborhood.” The Director will keep a list of the contact persons and addresses of such groups.

- e. **Meeting Time and Location.** The applicant must provide a meeting room and must conduct the meeting. Meetings must be held on a weekday evening that is not a holiday beginning between 5:30 PM and 8:00 PM in a location that is accessible to the affected neighborhood. The Director may approve other times and locations. The meeting date, time and location must be approved by the Director. To qualify, a meeting must be held between 180 days and fourteen (14) days before the application.
  - f. **Meeting Content and Conduct.** At the meeting, the applicant shall present its development plans, describe project impacts, describe ways to mitigate impacts, and facilitate a discussion and answer questions. The applicant decides the format and conduct of the meeting so that attendees have an opportunity to speak and to make written comments. City staff shall not organize or direct the meeting, but should gather information and explain the rules and requirements. Within seven (7) days of the meeting, the applicant must give the Director a written list of names and addresses of those given notice and those attending, along with a written summary of suggestions, comments, criticism and mitigating measures brought up by the applicant and attendees.
  - g. **Notice.** The applicant shall provide written notice of the time, place and subject of the meeting to every owner and group in the neighborhood, as well as the City Community Development Department. The notice must be approved by the Director and shall be hand-delivered or delivered by first class mail. The notice must be hand-delivered or postmarked no later than ten (10) calendar days prior to the meeting.
5. **Procedures.**
- a. **Staff Review.** Applications shall be reviewed by City staff and other appropriate agencies for compliance with City and agency codes and policies. Upon completion of staff review, the staff shall provide its comments in writing to the applicant.
  - b. **Review by Other Agencies.** The staff shall forward copies of the applications to appropriate agencies for their comments. Examples of review agencies are:
    - (1) City departments;
    - (2) Telecommunications, gas, electric and other utilities;
    - (3) Irrigation, drainage, water and sewage, sewer provider special districts;
    - (4) School and fire agencies;
    - (5) Law enforcement;
    - (6) Mesa County staff, Planning Commission, or Board of Commissioners;

- (7) State agencies (*e.g.*, Colorado Geologic Survey, Colorado Department of Transportation, Colorado Department of Natural Resources, Colorado Division of Wildlife, *etc.*); and
    - (8) Federal agencies (*e.g.*, Federal Emergency Management Agency, Bureau of Land Management, U.S. Army Corps of Engineers, *etc.*).
  - c. **Agency and Department Comments.** The agencies' review will be advisory in character, and does not constitute approval or disapproval. All comments shall be forwarded to the applicant for response.
  - d. **Applicant's Response.** An application submitted to the City for review must be diligently pursued and processed by the applicant. Accordingly, if the applicant, within ninety (90) calendar days of mailing of the City's review comments on any submittal (or resubmittal) of an application for approval of a development application, does not resubmit revised documents to address comments from the City, the development application shall lapse and become null and void. The Director may grant one (1) extension of the foregoing ninety (90) day requirement, not to exceed thirty (30) days in length.
  - e. **Review of Response.** The Director shall determine if sufficient information has been provided to schedule the application for a hearing. If the Director deems the application insufficient for such purposes, he shall notify the applicant. The applicant shall be allowed additional resubmittals and responses before the application is scheduled for a hearing.
6. **Notice.**
- a. **Purpose.** Notice of public hearings allow for community input and due process (the opportunity to be heard) for the applicant and neighbors. Accordingly, nothing herein shall prohibit the Director from providing public notice beyond that legally required, at the applicant's cost.
  - b. **Published Notice.**
    - (1) Unless otherwise provided in this Section a notice setting forth the date, time, place and purpose of such a public hearing, the name of the applicant and identification of the subject property must be published at least once. The Director shall be responsible for giving notice.
    - (2) In computing notice time, the day of the hearing shall be excluded.
    - (3) The applicant shall either provide the information for the notice, or pay the City to prepare the information.
  - c. **Mailed Notice of Public Hearing.**
    - (1) The Director must mail notice of a public hearing, as required in Table 2.3, by first class U.S. Mail at the applicant's cost to each owner at the address on file with the Mesa County, Colorado Assessor.
    - (2) At the applicant's cost, the Director shall also give notice to each person who attended any required neighborhood meeting.

- (3) Mailed notice shall state the date, time and place of the hearing, a general description of the proposal, the location of the project, a statement explaining that any person will be heard at the public hearing and other such requirements. Newspaper clippings of the published notice shall not be used for mailed notice. Notice shall be delivered by first class U.S. mail.
- d. **Property Sign.** When required by Table 2.3, the applicant shall post approved signs giving notice of the application. The applicant shall post at least one (1) sign on each street frontage of the property at least ten (10) calendar days before the initial public hearing. The applicant shall maintain the sign(s) on the property until the day after the final public hearing.
- e. **Combined Notice.** If a project requires action on several permits at the same hearing, the Director may provide for a single, combined notice.
- f. **Substantial Compliance.** Notice is sufficient if there is complete substantial compliance with the requirements of this Section. For example, minor errors in the words of the notice, or in the number of signs on a property (where multiple signs are required) will not invalidate the notice. On the other hand, the requirements of the number of days of notice, the general type of notice for the correct time, date and place of a hearing, and the location of the property must be completely correct. If a question arises, the decision making body shall decide if adequate notice was given.

**Table 2.3**  
**PUBLIC HEARING NOTICE PROVISIONS**

<b>Type of Submittal or Request</b>	<b>Published Notice When Published <sup>1</sup></b> (minimum calendar days before hearing)	<b>Mailed Notice First Class Mail <sup>2</sup></b>	<b>Sign Notice Required <sup>3, 4</sup></b>
Growth Plan Map Amendment	7 Days	Owners within 500 ft. <sup>5</sup>	Yes <sup>5</sup>
Growth Plan Text Amendment	7 Days	Not Applicable	No
Subdivision Preliminary Plat	7 days	Owners within 500 ft.	Yes
Planned Development ODP Preliminary Plan	7 days 7 days	Owners within 500 ft. Owners within 500 ft.	Yes Yes
Rezoning & Map Amendment	7 days	Owners within 500 ft. <sup>5</sup>	Yes <sup>5</sup>
Code Text Amendment	7 days	Not Applicable	No
Zoning of Annexation	7 days	Owners within 500 ft. <sup>5</sup>	Yes <sup>5</sup>
Conditional Use	7 days	Owners within 500 ft.	Yes
Historic Preservation	7 days	Not Applicable	No
Variance – ZBOA	7 days	Owners within 500 ft.	Yes
Variance – Council	Not Applicable	Not Applicable	No
Vacation – Easement/Right-of-way	7 days	Owners within 500 ft. Including Utilities	Yes
Grand Valley Circulation Plan Amendment	7 days	Not Applicable	No
Revocable Permit	Not Applicable	Not Applicable	No
Institutional & Civic Facility Master Plans	7 days	Owners within 500 feet	Yes

Type of Submittal or Request	Published Notice When Published <sup>1</sup> (minimum calendar days before hearing)	Mailed Notice First Class Mail <sup>2</sup>	Sign Notice Required <sup>3, 4</sup>
Vested Rights	Once within 10 days of approval	Not Applicable	No

**Footnotes:**

- <sup>1</sup> All published notice shall be published in a local newspaper of general circulation recognized by the City.
- <sup>2</sup> All mailed notice must be postmarked no less than ten (10) days before a Public Hearing and must include each homeowner's associations (HOAs) or other group registered with the Community Development Department within 1,000 feet.
- <sup>3</sup> Signs must be posted at least ten (10) calendar days before the initial Public Hearing and remain posted until the day after the final hearing.
- <sup>4</sup> One (1) sign per street frontage is required for zones of annexation of multiple parcels.
- <sup>5</sup> Mailed Notice and Sign Posting is not required for Growth Plan map amendments, rezonings, or zoning of annexations for requests relating to more than five percent (5%) of the area of the City and/or related to a Citywide or area plan process.

7. **Request for a continuance prior to hearing.**
  - a. An applicant shall have the right to one (1) continuance before the Planning Commission, Zoning Board of Appeals or City Council, only if a written request is filed with the City Clerk at least five (5) business days before the hearing.
  - b. An applicant requesting a continuance shall make reasonable efforts to notify all persons previously advised of the hearing that a continuance has been requested. Reasonable efforts shall include, but not be limited to, personal notice, broadcast or print media notice and any other form of notice determined by the Director to be reasonable. The applicant shall reimburse the City and provide all materials necessary to provide written notice of the rescheduled public hearing date to surrounding property owners in the same manner and with the same time schedule as the original date.
  - c. The review body shall grant one (1) continuance to a time, place and date certain, without taking any testimony, except pertaining to the adequacy of the notice.
8. **Withdrawal of Application.** Before a hearing on an application is opened, the applicant may request in writing that the application be withdrawn. Fees will not be refunded. An applicant may ask to withdraw after the hearing is opened, but the decision making body will decide whether or not to approve the request.

9. **Public Hearing Procedures.**
  - a. **Timing.** The Director shall schedule an application for hearing only when all issues have been resolved and a determination of compliance with all codes and regulations is made.
  - b. **Applicant's Option.** An applicant has the right to request a hearing at any time during the review process.
  - c. **Conduct of Hearing.**
    - (1) Any person may offer relevant information in writing or in person. Every speaker representing one (1) or more other persons shall state his/her name, street address, and if an organization or group, the name and mailing address of the organization or group.
    - (2) The Director's written report and recommendations should be available three (3) calendar days before the public hearing.
    - (3) The Chair shall exclude testimony and evidence that is irrelevant, immaterial, unduly repetitious or disruptive. Ordinarily no one presenting testimony or evidence may ask questions of other persons appearing as witnesses; although the chairperson of the body may ask questions suggested by a person presenting testimony. At any point, members of the body conducting the hearing may ask questions of the applicant, staff or public.
    - (4) No person shall knowingly make a false statement nor present false, deceptive or slanderous testimony, comment or remarks at a public hearing.
  - d. **Continuance.** The decision making body may grant a continuance to:
    - (1) Increase the efficiency of the development review process;
    - (2) Reassess a design or a position;
    - (3) Reconsider an application; and/or
    - (4) Obtain coordinated and harmonious development.
  - e. **Additional Rules.** The body conducting the hearing may adopt its rules of procedure to limit the number of applications for development approval to be considered per meeting and to limit the time for each presentation or speaker.
10. **Decision-Making.** The decision making body shall make decisions based on policies, standards, plans, recommendations, the applicable law, the testimony and information presented at the hearing.
  - a. **Authority to Condition Development Approvals.** The decision making body may impose conditions to protect the neighborhood, implement this Code and other rules and regulations and ensure compliance with any applicable policy or requirement.
  - b. **Planning Commission as Recommending Body to City Council.** If the Planning Commission is the recommending body pursuant to Table 2.1, recommendations shall be forwarded to the City Council.
11. **Scope of Action.** The review body may take any action regarding the application that is consistent with notice, including approval with conditions

or denial. The reviewing body may allow the applicant to amend the application if the amendment reduces the project density or FAR, reduces the impact of the project, or the amount of land involved in the project.

12. **Post-Decision Proceedings.**

a. **Rehearing.** Any aggrieved person, including the Director and the Director of Public Works and Utilities may request a rehearing, (Section 2.18) or file an appeal of a final action (Section 2.18).

b. **Amendments and Revisions to Approval.**

(1) The Director may approve corrections and revisions he deems to be minor to an approved application, in writing, subject to appeal to the decision-maker. A minor revision is one necessary in light of technical considerations that does not substantively change the character of the development approval.

(2) The Director must give five (5) days notice of such corrections by posting at City Clerk agenda board.

13. **Validity.**

a. **Noncompliance.** Upon a finding that any of the following conditions exist, all activities taken pursuant to such development application shall immediately cease, and no person shall continue construction or make use of or maintain any activity pursuant to such approval if:

(1) The applicant fails to satisfy any condition of the approval;

(2) The applicant fails to timely complete all work and construction set forth in a Development Improvements Agreement. If no time limit for satisfaction of conditions is specified in the original or revised approval of the development application, the time shall be presumed to be one (1) year from the date of approval; or

(3) The applicant fails to fulfill any promise made in writing or at any public hearing.

b. **Extension Procedures.**

(1) **Considerations.** Development approval deadline or a development phasing schedule may be set for greater than one (1) year, but not more than ten (10) years by the decision-making body. The decision-making body may extend any deadline if the applicant demonstrates why the original effective period or development phasing schedule was not sufficient and cannot be met. The decision making body shall consider when deciding to extend or change any deadlines if development regulations materially changed so as to render the project inconsistent with the regulations prevailing at the time the extension would expire.

(2) **Requests.** A request to extend any deadline shall be submitted in writing to the Director prior to the expiration of the original approval or deadline.

14. **Continued Compliance.** The owner of property which has been developed shall maintain the property and all infrastructure in order to remain in

substantial compliance with all approved plans and conditions of approval. Failure to remain in substantial compliance, including the replacement of dead or diseased plants shall constitute a violation of this Code.

15. **Revocation of Permit or Approval.**

- a. **Director Duties.** If the Director determines there are one (1) or more reasons to revoke a development permit or approval, he/she shall set a hearing before the decision-maker. If the Director made the planning clearance decision, then the Zoning Board of Appeals shall conduct the hearing. If the City Council decided, it may refer the proposed revocation to the Planning Commission for a recommendation hearing.
- b. **Notice and Hearing.** Notice and hearings for a revocation are the same as for the original application.
- c. **Decision and Appeals.** A decision to revoke a Development permit shall become final fourteen (14) calendar days after the date the decision is rendered, unless appealed. After such effective date of revocation, any activities continuing pursuant to such permit shall be deemed to be in violation of the Code.
- d. **Right Cumulative.** The Director's right to revoke any approval, development permit, or other privilege or right, shall be cumulative to any other remedy.

16. **City Initiated Requests.** The City Manager, any Department Director or City Council may apply for a Development permit on behalf of the City, without payment of fees.

## 2.4 GROWTH PLAN CONSISTENCY REVIEW

- A. **Purpose.** Because the Growth Plan and accompanying Future Land Use Map (the "Plan" or "Plan and Map") are comprehensive, complex documents, it is important that a formal consistency review process be provided to determine if a Development proposal is appropriate and consistent with the plan and map.
- B. **Applicability.** An Applicant, the Director, City Planning Commission, County Planning Commission or City Council may request a formal consistency review for any proposed project.
  1. **Jurisdiction.** Authority for determining consistency will be governed by geographic location:
    - a. Within the City limits, the City solely may interpret for Plan consistency; and
    - b. Outside of the City limits, but within the Urban Growth Area, consistency shall be determined jointly by the City and County pursuant to the intergovernmental agreement #MCA dated April 12, 1999.
  2. **Concurrent Review.** The plan consistency review process should be processed at the same time as related development requests (*e.g.*, rezoning and subdivisions).
- C. **Review Criteria.** The reviewing entity may find that:
  1. The proposed development is consistent with all applicable portions of the plan,

or the overall intent of the plan if two (2) or more of the applicable portions of the plan appear to conflict; or

2. The proposed development is inconsistent with one (1) or more applicable portions of the plan, or the overall intent of the plan if two (2) or more of the applicable portions of the plan appear to conflict.

**D. Decision-Maker.**

1. **Areas Outside of City.** For all plan consistency review requests relating to property located outside of the City but within the Joint Urban Planning Area which is not expected to be then annexed and is not currently subject to an annexation petition, the Director and County staff shall recommend and the City and County Planning Commissions separately shall make a determination of consistency. A finding of consistency by both Planning Commissions shall be required for a project to be deemed consistent with the Plan. Such Planning Commissions' decision is final and may not be appealed under this Code.
2. **Areas Inside of City.** For plan consistency review requests related to property within the City, or which is expected to be annexed, the Director and City Planning Commission shall recommend and the City Council shall take final action.
3. **Finding of Inconsistency.** If the finding is that the proposal is inconsistent with the plan, development may not proceed until either the plan is amended, or the proposed development is changed so that it is consistent with the plan, or both.

**E. Application and Review Procedures.** Procedures are in Table 2.1 and Section 2.3.B, with the following modifications:

1. Based on the location of the property, plan consistency review requests shall first be referred to the applicable jurisdiction for consideration consistent with the respective administrative policies of each, the Persigo Agreement, this Code, and other adopted plans and agreements.
2. **Application Requirements.** Consistency review requests shall be considered concurrently with all related development requests. To request such a review the applicant shall, at a minimum, provide a written statement describing the project's consistency with the Future Land Use Map and the applicable goals and policies contained in the text of the Growth Plan. If the applicant believes there are conflicts between the text and the map or within the text itself, he shall provide a written rationale as to which of the items in conflict best suits the overall intent and purpose of the plan.
3. **Hearing.** Where action by the City and the County is required for a particular request, the Director will attempt to arrange a joint hearing of City and County Planning Commissions, although such joint hearings are not required. If a joint hearing is held, the chairpersons shall jointly determine how to conduct such a hearing, although each commission shall vote separately.
4. **Timing.** If the City and County take separate, then the action of the first party shall control if thirty (30) calendar days pass without the action of the other.

## **2.5 GROWTH PLAN AMENDMENT (GPA)**

- A. **Purpose.** In order to maintain internal consistency within the Growth Plan, consistency determinations and proposed amendments to the Growth Plan and Future Land Use Map must be consistent with the stated purposes, goals and policies included in the plan.
- B. **Applicability.** All proposed amendments to the text of the Growth Plan or Future Land Use Map shall comply with the provisions of this Section 2.5. Any proposed Development that is inconsistent with any goals or policies of the Growth Plan or Future Land Use Map shall first receive approval of a Growth Plan amendment.
  - 1. **Jurisdiction.** For property within the City limits or which will be annexed, the City shall decide if the plan should be changed. Together, the City and the County shall decide questions of amending the plan for property that is outside the City and will not then be annexed, but within the Urban Growth Area (UGA) and for all text amendments.
  - 2. **Concurrent Review.** A Growth Plan Amendment request shall not be considered concurrently with any other development review process.
- C. **Review Criteria.** The City and County shall amend the plan if each finds that the amendment is consistent with the purpose and intent of the plan and if:
  - 1. There was an error such that then existing facts, projects, or trends (that were reasonably foreseeable) were not accounted for;
  - 2. Subsequent events have invalidated the original premises and findings;
  - 3. The character and/or condition of the area have changed enough that the amendment is acceptable and such changes were not anticipated and are not consistent with the plan;
  - 4. The change is consistent with the goals and policies of the plan, including applicable special area, neighborhood and corridor plans;
  - 5. Public and community facilities are adequate to serve the type and scope of land use proposed;
  - 6. An inadequate supply of suitably designated land is available in the community, as defined by the presiding body, to accommodate the proposed land use; and
  - 7. The community or area, as defined by the presiding body, will derive benefits from the proposed amendment.
- D. **Decision-Maker.**
  - 1. **Outside of City.** The City and County Planning Commissions shall consider requests concerning property located outside of the City, but within the Urban Growth Area (UGA), which will not be then annexed. The City Planning Commission is the City's final action and may not be appealed. Affirmative action by both Commissions is required for an amendment.
  - 2. **Inside of City.** Concerning property within the City, or which will be annexed, the Director and City Planning Commission shall recommend and the City Council's action is the City's final action.
  - 3. **Failure of Amendment.** If an amendment request fails, any pending Development application must be changed to be consistent with the plan.

E. **Application requirements and processing procedures** are in Table 2.1 and Section 2.3.B, except:

1. **Deadlines.**

- a. Map amendments and all text amendments shall be processed two (2) times per year according to a schedule adopted by the Director.
- b. Extraordinary Amendments. For property within the City, the City Council may authorize an extraordinary review if the failure to provide immediate review would mean: a public loss of some sort; some inability to meet City goals or policies, such as economic development, redevelopment, infill development, affordable housing; or significant diminution of property value or significant increase in expense to an owner.

2. **Application Requirements.**

- a. Minimum Requirements. In making a request for a plan amendment the applicant shall address each of the criteria provided in this Section.
- b. Optional Materials. In addition to the required written descriptions, justifications and responses, the City Council, Planning Commission or staff may request additional documents, reports, studies, plans and drawings as deemed necessary to fully evaluate the request. The Applicant may submit additional relevant materials.

3. **Notice.**

- a. Property Sign. Signs giving notice are not required for text amendment requests, nor for map amendments initiated by the City as a Citywide or area plan process or requests relating to more than five percent (5%) of the area of the City.
- b. Mailed Notice. A mailed notice is not required for a map amendment request relating to more than five percent (5%) of the area of the City and/or related to a Citywide or area plan process, or for text amendment requests; however, the Director shall give notice in an advertisement in a local newspaper of general circulation. (Section 2.3.B.6)

4. **Hearing.** If action by the City and the County is required, the Director will attempt to arrange a joint meeting of City and County Planning Commissions, although such joint meetings are not required. If a joint hearing is held, the chairpersons shall jointly determine how to conduct such a hearing. Each commission shall vote separately.

5. **Timing.** If both the City and County should act and thirty (30) calendar days have passed without action by the second party, the decision of the first party shall control.

## 2.6 CODE AMENDMENT AND REZONING

A. **Approval Criteria.** In order to maintain internal consistency between this Code and the Zoning Maps, map amendments must only occur if:

1. The existing zoning was in error at the time of adoption;

2. There has been a change of character in the neighborhood due to installation of public facilities, other zone changes, new growth trends, deterioration, development transitions, *etc.* and such changes were not anticipated and are not consistent with the plan;
  3. The proposed rezone is compatible with the neighborhood and will not create adverse impacts such as: capacity or safety of the street network, parking problems, storm water or drainage problems, water, air or noise pollution, excessive nighttime lighting, or other nuisances;
  4. The proposal conforms with and furthers the goals and policies of the Growth Plan, other adopted plans and policies, the requirements of this Code, and other City regulations and guidelines;
  5. Adequate public facilities and services are available or will be made available concurrent with the projected impacts of the proposed development;
  6. There is not an adequate supply of land available in the neighborhood and surrounding area to accommodate the zoning and community needs; and
  7. The community or neighborhood will benefit from the proposed zone.
- B. Decision-Maker.**
1. The Director and Planning Commission shall make recommendations and the City Council shall make the final decision. Either the Planning Commission or the City Council may add additional property to be considered for a zoning change if such additional property is identified in the notice, in accordance with Section 2.3.B.6.
- C. Application and Review Procedures.** Application requirements and processing procedures are in Table 2.1 and Section 2.3.B except:
1. **Text Amendment.** An application for an amendment to the text of this Code shall address in writing the reasons for the proposed amendment.
  2. **Notice.**
    - a. **Property Sign.** Notice signs are not required for a rezoning request initiated by the City as a City-wide or area plan process, nor for a text amendment.
    - b. **Mailed Notice** is not required for a rezoning request relating to more than five percent (5%) of the area of the City and/or related to a City-wide or area plan process, nor for any text amendment request. The Director shall give notice in a local newspaper of general circulation (Section 2.3.B.6).

## 2.7 CONCEPT PLAN

- A. **Purpose.** The concept plan review is an optional process that provides an applicant with a general, nonbinding reaction from the Planning Commission prior to submittal of a development application.
- B. An applicant can get a concept plan review for any development that requires Planning Commission approval.
- C. **Decision-Maker.** Planning Commission members should react, comment, question, critique and give direction to assist the applicant with preparing a subsequent application for a development permit. Such comments should not be taken as an

indication of how the members may vote on any subsequent application for a development permit. To keep the concept plan informal, the Planning Commission shall not vote on any portion of the concept plan.

- D. **Application and Review Procedures** are in Table 2.1 and Section 2.3.B except:
1. Staff Review, Report and Recommendations. While he may, the Director is not required to review the plan, nor must he circulate the plan to other agencies, nor is he required to produce a report or make recommendations.
  2. Notice. Notice is not required, but will be given if requested by the applicant.

## 2.8 SUBDIVISIONS

- A. **Purpose.** No person shall record a plat of a subdivision nor prepare or execute any documents which purports to create or creates a new parcel, nor record or execute a deed of trust or a mortgage descriptive of the property other than all of a lot or parcel unless such plat, deed, deed of trust or mortgage has been approved by the City and unless it conforms to all of the provisions of this Code. The purpose of this Section 2.8 is to:
1. Ensure conformance with the Growth Plan and other adopted plans including all corridor design guidelines;
  2. Assist orderly, efficient and integrated development;
  3. Promote the health, safety, and welfare of the residents of the City;
  4. Ensure conformance of land subdivision plans with the public improvement plans of the City, County and State;
  5. Ensure coordination of the public improvement plans and programs of the several area governmental entities;
  6. Encourage well-planned and well-built subdivisions by establishing minimal standards for design and improvement;
  7. Improve land survey monuments and records by establishing minimal standards for survey and plats;
  8. Safeguard the interests of the public, the homeowner, and the subdivider;
  9. Secure equitable handling of all subdivision plans by providing uniform procedures and standards;
  10. Ensure that pedestrian and bicycle paths and trails are extended in accordance with applicable City plans;
  11. Preserve natural vegetation and cover, and to promote the natural beauty of the City;
  12. Prevent and control erosion, sedimentation, and other pollution of surface and subsurface water;
  13. Prevent flood damage to persons and properties;
  14. Restrict building in areas poorly suited for building or construction;
  15. Prevent loss and injury from landslides, mudflows, and other geologic hazards;
  16. Ensure adequate public facilities and services are available or will be available concurrent with the projected impacts of the subdivision; and
  17. Ensure the proposal will not impose hardship or substantial inconvenience to nearby landowners or residents.

**B. Preliminary Plat.**

1. **Applicability.** The preliminary plat provides general graphic information and text indicating property boundaries, easements, land use, streets, utilities, drainage, open space, parks and other information required to evaluate a proposed subdivision. A preliminary plat shall be required for every subdivision except as otherwise provided for herein.
2. **Review Criteria.** A preliminary plat will not be approved unless the applicant proves compliance with the purpose portion of this Section and with all of the following criteria:
  - a. The preliminary plat will be in conformance with the Growth Plan, Grand Valley Circulation Plan, Urban Trails Plan and other adopted plans;
  - b. The Subdivision standards in Chapter Six;
  - c. The Zoning standards in Chapter Three;
  - d. Other standards and requirements of this Code and other City policies and regulations;
  - e. Adequate public facilities and services will be available concurrent with the subdivision;
  - f. The project will have little or no adverse or negative impacts upon the natural or social environment;
  - g. Compatibility with existing and proposed development on adjacent properties;
  - h. Adjacent agricultural property and land uses will not be harmed;
  - i. Is neither piecemeal development nor premature development of agricultural land or other unique areas;
  - j. There is adequate land to dedicate for provision of public services; and
  - k. This project will not cause an undue burden on the City for maintenance or improvement of land and/or facilities.
3. **Decision-Maker.** The Planning Commission is the decision-maker for all applications for preliminary plats.
4. **Application and Review Procedures** are in Table 2.1 and Section 2.3.B. In an effort to expedite final plat approval, the applicant may provide more detailed information than is required for preliminary plat review.
5. **Validity.** The applicant may propose a development phasing schedule at the time of application for a preliminary plat for consideration by the Planning Commission. In the absence of an approved phasing schedule, preliminary plat approval shall be valid for only one (1) year, during which the applicant shall obtain final plat approval for all or a portion of the property. If a portion of the property in the preliminary plat is final platted within one (1) year, the rest of the preliminary plat shall be automatically renewed for an additional one (1) year following the recording of each final plat, unless the Director notifies the applicant, in writing, to the contrary. The applicant shall plat the entire property included in the preliminary plat within five (5) years of the initial plan approval date. After five (5) years, approval of unplatted portions of the preliminary plat

shall be considered void unless an extension is requested and approved by the decision making body.

**C. Final Plat.**

1. **Applicability.** The final plat provides detailed graphic information and associated text indicating property boundaries, easements, streets, utilities, drainage, and other information required for the maintenance of public records of the subdivision of land. A final plat shall be required for all subdivisions. The final plat shall conform to the approved preliminary plat. If a minor revision of a preliminary plat is required, the review of the revised preliminary plat may, at the discretion of the Director, proceed concurrently with final plat review.
2. **Approval Criteria.** The final plat shall demonstrate compliance with all of the following:
  - a. The same criteria as the preliminary plan in Section 2.8.B; and
  - b. The preliminary plat approval and any conditions attached thereto. A portion of the land area within the preliminary plat may be approved for platting.
3. **Decision-Maker.** The Director shall approve, conditionally approve or deny all applications for a final plat, unless the Planning Commission in its discretion, has required the final plat be returned to them for final action. In such cases, the Director shall provide a recommendation concerning the final plat.
4. **Application and Review Procedures.** Application requirements and processing procedures shall comply with those described in Table 2.1 and Section 2.2.B, with the following modifications:
  - a. Review of Covenants. The City Attorney shall review and approve all covenants and restrictions prior to final plat approval.
  - b. Notice. Notice of a final plat is not required unless the Planning Commission elects to take final action. In such instances, notice shall be provided in the same manner and form as is required with a preliminary plat.
  - c. Form of Final Action. The form of final approval by the Director shall be the recording of the plat as per Section 2.8.E. If the Planning Commission approves the final then the applicant's surveyor or engineer shall then make any changes necessary or required to comply with final approval conditions. The plat shall then be recorded within one (1) year of action by the Planning Commission or as directed in the approved phasing plan/development schedule.

**D. Construction Plans.**

1. **Applicability.** Construction plans, based upon the approved final plat and/or site plan and consisting of detailed specifications and diagrams illustrating the location, design and composition of all improvements identified in the final plat phase and required by this Code, shall be submitted to the City for any project that necessitates the construction, reconstruction or modification of new or existing improvements. These documents shall include complete plans and

specifications of all required improvements identified and approved as part of the final plat phase. The City shall keep the plans as a permanent record of the required improvements.

2. **Approval Criteria.** The construction plans shall be prepared in conformance with the approved final plat and the City's adopted standards for public improvements including those contained in this Code.
  3. **Decision-Maker.** The Director shall approve, conditionally approve or deny all applications for subdivision construction plans.
  4. **Application and Review Procedures.** Application requirements and processing procedures shall comply with those described in Table 2.1 and Section 2.2.B, with the following modifications:
    - a. **Application Requirements.** Construction plans shall be prepared for all subdivision improvements and public improvements for all other developments as required by and in accordance with this Code, the SSID Manual, the TEDS Manual and all other applicable adopted City codes and policies. A completed Development Improvements Agreement (DIA) for the public improvements and acceptable guarantee is required to be submitted with the construction drawings. As-built plans must be submitted to the Director prior to acceptance of public improvements for City maintenance.
- E. **Recording of Subdivisions.** The Director shall record all final plats and related documents as follows:
1. The original plat, together with any other required documentation such as, but not limited to the following, shall be submitted for recording along with all necessary recording fees: a Mylar copy and one (1) 11" x 17" Mylar reduction; improvements 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.* 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.
  2. The Director shall obtain the applicable signatures of public officials required on the plat. Upon review and payment of fees by the applicant, the Director shall record the plat at the office of the County Clerk and Recorder.
  3. Upon recording the plat, applications for planning clearances and building permits may be submitted in accordance with the provisions of this Code.
  4. If the applicant does not complete all steps in preparation for recording within one (1) year of approval of the final plat, the plat shall require another review and processing as per the final plat processing procedure and shall then meet all the required current Code and regulations at that time. One (1) extension of six (6) months may be granted by the Director.
- F. **Guarantees for Public Improvements.**
1. Except as provided herein, before the plat is recorded by the Director, all applicants shall be required to complete, to the satisfaction of the Director, all

street, sanitary, and other public improvements, as well as lot improvements on the individual lots of the subdivision or addition as required by this Code. The required improvements shall be those specified in the approved construction plans: or

2. As a condition of final plat approval, the City shall require the applicant to enter into a Development Improvements Agreement and post a guarantee for the completion of all required improvements as per Section 2.19.

## 2.9 CONDOMINIUMS AND LEASE HOLDINGS

- A. **Purpose.** The purpose of this Section 2.9 is the same as that of the major subdivision process.
- B. **Applicability.** The Subdivision of a structure into condominium ownership, consisting of a separate estate in an individual air space unit of a multiunit property together with an undivided interest in common elements, all as defined in Sections 38-33-101 *et seq.*, C.R.S. and 38-33.3-101, *et seq.*, C.R.S. shall be created through this process, which is generally the same as the process for a major subdivision of land. Standards set forth in the Colorado Revised Statutes (C.R.S.) and in this Section are applied to this type of subdivision to ensure consistency with the City's Growth Plan, adopted codes and policies and to ensure the maintenance and upkeep of common areas for the protection of individual unit owners. This Section also shall apply to leaseholdings if leasehold interest is applying to obtain development rights similar to a platted lot or parcel and the development is separate from the principal parcel from which the leaseholding is created. Nothing herein shall prohibit the creation of leaseholdings outside of this process. Leaseholdings created outside of this process shall not be recognized by the City as being separate lots or parcels with development rights that are separate and apart from those enjoyed by the principal parcel from which the leasehold interest is created.
- C. **Approval Criteria.**
  1. The condominiumization of a structure shall comply with:
    - a. Sections 38-33-105 and 38-33-106, C.R.S.;
    - b. The approval criteria for a Major Subdivision Preliminary Plan (Section 2.8.B.); and
    - c. The Condominium of individual air space units and limited common elements, as defined in Section 38-33.3-103, C.R.S. and general common elements, as defined in Section 38-33-106, C.R.S. may be constructed or retrofitted with a minimum one-hour fire wall, pursuant to Section 38-33.3-106, C.R.S.
  2. The creation of a leaseholding shall meet the same criteria as a simple subdivision as provided in Section 2.2.E.4.
- D. **Decision-Maker.** The Director shall make recommendations and the Planning Commission shall approve, conditionally approve, or deny all applications for a Condominium or leaseholding, except the Director shall approve, conditionally approve, or deny all applications for a nonresidential Condominium.

- E. **Application and Review Procedures.** The procedures for creation of a condominium are the same as are those required for final plat of a major subdivision with the following modifications:
1. **Preliminary Plan.** Approval of a preliminary plan is not required. An applicant can choose to submit the final condominium plat as the first step in the process. If the project has already been reviewed by the Planning Commission through some other process, such as Preliminary Plan or Conditional Use Permit, the final plat may be reviewed and approved by the Director.
  2. **Application Materials.** The applicant shall submit an application and a plat or map to the Director which shall be in conformance with state law, the SSID Manual, and other applicable regulations. Applicants shall demonstrate that a common interest community shall be shown in detail in two (2) dimensions on a plat or in three (3) dimensions on a map, however, a map is required for a common interest community with units having a horizontal boundary. A plat and map may be combined.
  3. **Condominium Declarations.** The Condominium Application shall:
    - a. Include a condominium declaration (Sections 38-33-105, 38-33-105.5 and 38-33.3-205, C.R.S.);
    - b. Address the exercise of development rights (Section 38-33.3-210, C.R.S.); and
    - c. Include the Unit Owner's Association Bylaws (Section 38-33-106, C.R.S.).
  4. **Adjustments and Amendments to Condominiums.** The boundary lines shall be amended in accordance with this Section 2.9 and the applicable Sections 38-33-101 *et seq.*, C.R.S. Plats or maps shall be amended or vacated in accordance with this Chapter Two and the applicable Sections 38-33-101 *et seq.*, C.R.S.

## 2.10 VACATION OF PLATS

- A. **Purpose.** This Section is intended to provide a process for the vacation of plats and subdivisions that are no longer viable and to ensure the vacation will not have any adverse impacts on the applicant or surrounding property owners.
- B. **Applicability.** If a plat has not been developed or has been partially developed and the owner desires to vacate the undeveloped portion thereof, then the owner may apply for a vacation of the plat.
- C. **Approval Criteria.** The vacation of the plat shall conform to all of the following:
  1. The Growth Plan, Grand Valley Circulation Plan and other adopted plans and policies of the City;
  2. No parcel shall be landlocked as a result of the vacation;
  3. Access to any parcel shall not be restricted to the point that access is unreasonable, economically prohibitive, and/or reduces or devalues any property affected by the proposed vacation;
  4. There shall be no adverse impacts on the health, safety, and/or welfare of the general community, and the quality of public facilities and services provided to

any parcel of land shall not be reduced ( *e.g.*, police/fire protection and utility services); and

5. The provision of adequate public facilities and services shall not be inhibited to any property as required in Chapter Six of this Code.
- D. **Decision-Maker.** The Director shall make recommendations and the Planning Commission shall approve, conditionally approve or deny all applications for a plat vacation. If the plat to be vacated includes right-of-way or easements, the Director and Planning Commission shall make recommendations and the City Council shall approve, conditionally approve or deny all applications for a plat vacation.
- E. **Application and Review Procedures.** The procedures for plat vacations are the same as those required for a major subdivision except that no preliminary plan is required.

## 2.11 VACATIONS OF PUBLIC RIGHTS-OF-WAY OR EASEMENTS

- A. **Purpose.** The purpose of this Section is to permit the vacation of surplus rights-of-way and/or easements.
- B. **Applicability.** Applications for vacation of any street, alley, easement or other public reservation may be made by the City or by any owner of property on which the street, alley or public reservation lies or adjoins.
- C. **Approval Criteria.** The vacation of the right-of-way or easement shall conform to the following:
1. The Growth Plan, Grand Valley Circulation Plan and other adopted plans and policies of the City;
  2. No parcel shall be landlocked as a result of the vacation;
  3. Access to any parcel shall not be restricted to the point where access is unreasonable, economically prohibitive, or reduces or devalues any property affected by the proposed vacation;
  4. There shall be no adverse impacts on the health, safety, and/or welfare of the general community, and the quality of public facilities and services provided to any parcel of land shall not be reduced (*e.g.* police/fire protection and utility services);
  5. The provision of adequate public facilities and services shall not be inhibited to any property as required in Chapter Six of this Code; and
  6. The proposal shall provide benefits to the City such as reduced maintenance requirements, improved traffic circulation, *etc.*
- D. **Decision-Maker.** The Director and Planning Commission shall make recommendations and the City Council shall approve, conditionally approve or deny all applications for a vacation of a right-of-way or easement.
- E. **Application and Review Procedures.** Application requirements and processing procedures are described in Table 2.1 and Section 2.3.B, with the following modifications:
1. **Recording.** All vacations shall be recorded with the Mesa County Clerk and Recorder.

## 2.12 PLANNED DEVELOPMENT (PD)

- A. **Purpose.** The Planned Development (PD) district is intended to apply to mixed-use or unique single use projects to provide design flexibility not available through strict application and interpretation of the standards established in Chapter Three. The PD zone district imposes any and all provisions applicable to the land as stated in the PD zoning ordinance. The purpose of the PD zone is to provide design flexibility as described in Section 5.1. Planned Development rezoning should be used only when long-term community benefits that may be achieved through high quality development will be derived. Long-term community benefits include:
1. More efficient infrastructure;
  2. Reduced traffic demands;
  3. More usable public and/or private open space;
  4. Recreational amenities; and/or
  5. Needed housing choices.
- B. **Outline Development Plan (ODP).**
1. **Applicability.** An Outline Development Plan is an optional, but encouraged first step prior to an application for a preliminary development plan for a parcel of at least twenty (20) acres. The purpose of an ODP is to demonstrate conformance with the Growth Plan, compatibility of land use and coordination of improvements within and among individually platted parcels, sections or phases of a development prior to the approval of a preliminary plan. At ODP, zoning for the entire property or for each “pod” designated for development on the plan is established. This step is recommended for larger, more diverse projects that are expected to be developed over a long period of time. Through this process, the general pattern of development is established with a range of densities assigned to individual “pods” that will be the subject of future, more detailed planning.
  2. **Approval Criteria.** An ODP application shall demonstrate conformance with all of the following:
    - a. The Growth Plan, Grand Valley Circulation Plan and other adopted plans and policies;
    - b. The rezoning criteria provided in Section 2.6;
    - c. The planned development requirements of Chapter Five;
    - d. The applicable corridor guidelines and other overlay districts in Chapter Seven;
    - e. Adequate public services and facilities shall be provided concurrent with the projected impacts of the development;
    - f. Adequate circulation and access shall be provided to serve all development pods/areas to be developed;
    - g. Appropriate screening and buffering of adjacent property and uses shall be provided;
    - h. An appropriate range of density for the entire property or for each development pod/area to be developed;

- i. An appropriate set of “default” or minimum standards for the entire property or for each development pod/area to be developed;
    - j. An appropriate phasing or development schedule for the entire property or for each development pod/area to be developed; and
    - k. The property is at least twenty (20) acres in size.
  - 3. **Decision-Maker.** The Director and Planning Commission shall make recommendations and the City Council shall approve, conditionally approve or deny all applications for an ODP and accompanying planned development rezoning.
  - 4. **Application and Review Procedures.** Application requirements and processing procedures are described in Table 2.1 and Section 2.3.B, with the following modifications:
    - a. **Simultaneous Review of Other Plans.** An applicant may file an ODP with a preliminary development plan or final development plan for a portion of the property, as determined by the Director at the preapplication conference.
    - b. **Validity.** The effective period of the ODP/phasing schedule shall be determined concurrent with ODP approval.
    - c. **Required Subsequent Approvals.** Following approval of an ODP, a preliminary development plan approval and a subsequent final development plan approval shall be required before any development activity can occur.
- C. **Preliminary Development Plan (PDP).**
  - 1. **Applicability.**
    - a. **Approved ODP.** If the property has an approved ODP, the purpose of the preliminary development plan is to ensure consistency with the uses, density, bulk, performance and other standards of the approved ODP and PD rezoning ordinance for the specific area included in the preliminary plan. Unless specified otherwise with the ODP, the applicant shall have the option of proposing either a site development plan or a subdivision plan as provided in Chapter Five. The Planning Commission and/or Council may require a site development plan if it is found that a site development plan is necessary to ensure the proposed PD meets the purpose and intent of the ODP approval.
    - b. **No Approved ODP.** If the property has no approved ODP, rezoning of the property to planned development shall occur simultaneously with preliminary development plan review. The purpose of the process is to answer the question, "Should this use, with this specific density, designed in this particular manner, be constructed on this site?" In designing the plan, the applicant shall have the option of proposing either a site development plan or a subdivision plan as provided in Chapter Five. The Planning Commission and/or Council may require a site development plan if it is found that a site development plan is

necessary to ensure the proposed PD meets the purposes and intent of the Growth Plan and this Code.

2. **Review Criteria.** A preliminary development plan application shall demonstrate conformance with all of the following:
    - a. The ODP review criteria in Section 2.12.B;
    - b. The applicable preliminary plat criteria in Section 2.8.B;
    - c. The applicable site plan review criteria in Section 2.2.D.4;
    - d. The approved ODP, if applicable;
    - e. The approved PD rezoning ordinance, if adopted with an ODP;
    - f. An appropriate, specific density for all areas included in the preliminary plan approval; and
    - g. The area of the plan is at least five (5) acres in size or as specified in an applicable approved ODP.
  3. **Decision-Maker.**
    - a. **Approved ODP.** If the property has an approved ODP, the Director shall make recommendations and the Planning Commission shall approve, conditionally approve or deny all applications for a preliminary development plan.
    - b. **No Approved ODP.** If the property does not have an approved ODP, the Director and Planning Commission shall make recommendations and the City Council shall approve, conditionally approve or deny all applications for a preliminary development plan and accompanying planned development rezoning.
  4. **Application and Review Procedures.** Application requirements and processing procedures are described in Table 2.1 and Section 2.3.B, with the following modifications:
    - a. **Required Concurrent Review of Subdivision.** A preliminary plat shall be submitted and reviewed concurrently with a preliminary development plan.
    - b. **Density/Intensity Transfer.** If the property has an approved ODP, density may not be transferred between development pods/areas to be developed unless explicitly provided for with the ODP approval or by amending the ODP in the same manner as originally approved.
    - c. **Validity.** The effective period of the preliminary development plan shall be as determined by the ODP approval, if applicable, or at the time of preliminary development plan approval.
    - d. **Required Subsequent Approvals.** Following approval of a preliminary development plan, final development plan approval shall be required before any development activity can occur.
- D. **Final Development Plan (FDP)**
1. **Applicability.** The final development plan and final subdivision plat act as the literal blueprint for development of a PD project. The plan and the plat ensure consistency with the approved preliminary development plan and specific development and construction requirements of various adopted codes.

2. **Review Criteria.** A final development plan application shall demonstrate conformance with all of the following:
  - a. The approved ODP, if applicable;
  - b. The approved preliminary development plan;
  - c. The approved preliminary plat;
  - d. The approved PD rezoning ordinance, if applicable;
  - e. The SSID, TEDS and SWMM manuals and all other applicable development and construction codes, ordinances and policies;
  - f. The applicable site plan review criteria in Section 2.2.D.4; and
  - g. The applicable preliminary plat criteria in Section 2.8.B.
3. **Decision-Maker.** The Director shall approve, conditionally approve, or deny all applications for a final development plan unless the Planning Commission in its discretion required the final plan be returned to it for final action. In such cases, the Director shall provide a recommendation to the Planning Commission concerning the final plan.
4. **Application and Review Procedures.** Application requirements and processing procedures shall comply with those described in Table 2.1 and Section 2.2.B, with the following modifications:
  - a. **Required Concurrent Review of Subdivision.** Unless specified otherwise at the time of preliminary plan approval, if the form of preliminary plan approval was a site development plan, a final plat shall be submitted and reviewed concurrently with a final development plan; if the form of preliminary plan approval was a subdivision plan, a final plat may be approved and recorded prior to final plan approval for individual lots.
  - b. **Review of covenants.** The City Attorney shall review and approve all covenants and restrictions prior to final Development plan approval.
  - c. **Notice.** Notice of a final development plan is not required unless the Planning Commission elects to take final action. In such instances, notice shall be provided in the same manner and form as is required with a preliminary development plan.
  - d. **Form of Final Action.** The form of final approval by the Director shall be the recording of the plan. If the Planning Commission approves the final development plan then the surveyor or engineer shall make any changes necessary or required to comply with final approval conditions. The plan shall then be recorded within six (6) months of action by the Planning Commission or as directed in the approved phasing plan.
  - e. **Recording.** Upon final approval, the plan and plat shall be recorded in accordance with Section 2.8.E. The final plat shall, at a minimum, contain all of the following information that is pertinent to the PD: the bulk standards; a list of approved and/or specifically excluded uses; and any pertinent conditions or stipulations that were previously made or imposed. The ordinance creating the PD shall become effective upon recording of the plat.

E. **Guarantees for Public Improvements.**

1. Except as provided herein, before the plan and plat are recorded by the Director, all applicants shall be required to complete, to the satisfaction of the Director, all street, sanitary, and other public improvements, as well as lot improvements on the individual lots of the subdivision as required by this Code. The required improvements shall be those specified in the approved construction plans as per Section 2.8.D; or
2. As a condition of final plan and plat approval, the City shall require the applicant to enter into a Development Improvements Agreement and post a guarantee for the completion of all required improvements as per Section 2.19.

F. **Amendments to Approved Plans.**

1. **Planned Development Rezoning Ordinance.** The use, density, bulk performance and default standards contained in an approved PD rezoning ordinance may be amended only as follows, unless specified otherwise in the rezoning ordinance:
  - a. No use may be established that is not permitted in the PD without amending the rezoning ordinance through the rezoning process. Uses may be transferred between development pods/areas to be developed through an amendment to the ODP and/or preliminary development plan, as applicable, provided the overall density and FAR for the entire PD is not exceeded;
  - b. The maximum and minimum density for the entire PD shall not be exceeded without amending the rezoning ordinance through the rezoning process. Density may be transferred between development pods/areas to be developed through an amendment to the ODP and/or preliminary development plan, as applicable, provided the overall density for the entire PD is not exceeded; and
  - c. The bulk, performance and default standards may not be amended for the entire PD or an entire development pod/area to be developed without amending the PD rezoning ordinance through the rezoning process. The bulk default standards may be varied on individual lots within the PD through an amendment to the preliminary development plan.
2. **Outline Development Plan.** The approved outline development plan may be amended only by the same process by which it was approved, unless the adopted PD rezoning ordinance provides otherwise. All subsequent preliminary development plans and final development plans must be consistent with the approved outline development plan and rezoning ordinance.
3. **Preliminary Development Plan.** Unless the adopted PD rezoning ordinance provides otherwise, the approved preliminary development plan may be amended as follows:
  - a. **Minor Amendments.** The Director may approve the following amendments for individual lots within the area covered by a preliminary

development plan provided all standards in the adopted PD rezoning ordinance are met:

- (1) Decreases in density so long as the character of the site is maintained;
  - (2) Increases in gross floor area of up to ten percent (10%) so long as the character of the site is maintained;
  - (3) Changes in the location and type of landscaping and/or screening so long as the character and intent of the original design are maintained;
  - (4) Changes in the orientation or location of parking areas and vehicular and pedestrian circulation areas so long as the effectiveness and character of the overall site circulation, parking and parking lot screening are maintained; and
  - (5) The reorientation, but not complete relocation, of major structures so long as the character of the site is maintained.
  - (6) Simple Subdivision.
- b. **Major Amendments Applicable to Only One (1) Lot.** Any change not listed above as a minor amendment to an individual lot shall be deemed a major amendment. Such amendments shall be reviewed by the Planning Commission using the same process as the preliminary development plan but with the following review criteria:
- (1) Only the bulk or performance standards may be varied;
  - (2) The applicable variance review criteria in Section 2.16; and
  - (3) The amendment shall not represent a significant change in any of the agreed upon deviations from the default standards.
- c. **Major Amendments Applicable to More Than One (1) Lot.** All other amendments to the preliminary development plan shall be reviewed by the Planning Commission using the same process and criteria used for Preliminary Plan review and approval.
4. **Final Development Plan.** Amendments to the final development plan may be approved by the Director using the same process and criteria used for preliminary development plan review and approval.
- G. **Lapse of Plan and Rezone.** If a Planned Development, or any portion thereof, has not been completed in accordance with the approved development schedule, a "lapse" shall have occurred and the terms of all approved plans for incomplete portions of the PD shall be null and void. If lapse occurs, the property shall be governed by the zoning district applied to the property immediately before the rezoning to PD, or an applicant may request hearing 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 Director shall record an appropriate legal notice. The Director may, if he deems it appropriate, initiate, without owner consent, a zoning change on a lapsed PD to another zone district.
- H. **General Provisions.**

1. **Contractual Agreement.** Approval of a PD allows the development and use of a parcel of land under certain, specific conditions. Conditions of approval shall be filed with the Director in the review process. 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, modification or use complies with the terms and conditions of an approved final development plan. Each subsequent owner and entity created by the Developer, such as property owner's associations or an architectural review committee, shall comply with the terms and conditions of approval. The Developer shall set forth the conditions of approval within covenants. Such covenants shall be recorded with the final approved plan and plat.
2. **Transfer of Ownership.** No person shall sell, convey, or transfer ownership of any property or any portion thereof within a PD zone until such person has informed the buyer of the property's status with respect to the PD process and conditions of approval. The City shall bear no liability for misrepresentation of terms and conditions of an existing approval.
3. **Planned Development Zone Designation.** The Director shall designate each approved PD on the Official Zoning Map.

## 2.13 CONDITIONAL USE PERMITS (CUPs)

- A. **Purpose.** The purpose of a conditional use review is to provide an opportunity to utilize property for an activity which under usual circumstances could be detrimental to other permitted uses, and which normally is not permitted within the same district. A conditional use may be permitted under circumstances particular to the proposed location and subject to conditions that provide protection to adjacent land uses. A conditional use is not a use by-right and one that is otherwise prohibited without approval of a conditional use permit.
- B. **Applicability.** A conditional use permit shall be required prior to the establishment of any conditional use identified in Chapters Three and Four or elsewhere in this Code.
- C. **Review Criteria.** The Application shall demonstrate that the proposed development will comply with the following:
  1. **Site Plan Review Standards.** All applicable site plan review criteria in Section 2.2.D.4 and conformance with SSID, TEDS and SWMM Manuals;
  2. **District Standards.** The underlying zoning districts standards established in Chapter Three;
  3. **Specific Standards.** The use-specific standards established in Chapters Three and Four;
  4. **Availability of Complementary Uses.** Other uses complementary to, and supportive of, the proposed project shall be available including, but not limited to: schools, parks, hospitals, business and commercial facilities, and transportation facilities.
  5. **Compatibility with Adjoining Properties.** Compatibility with and protection of neighboring properties through measures such as:

- a. **Protection of Privacy.** The proposed plan shall provide reasonable visual and auditory privacy for all dwelling units located within and adjacent to the site. Fences, walls, barriers and/or vegetation shall be arranged to protect and enhance the property and to enhance the privacy of on-site and neighboring occupants;
- b. **Protection of Use and Enjoyment.** All elements of the proposed plan shall be designed and arranged to have a minimal negative impact on the use and enjoyment of adjoining property.
- c. **Compatible Design and Integration.** All elements of a plan shall coexist in a harmonious manner with nearby existing and anticipated development. Elements to consider include; buildings, outdoor storage areas and equipment, utility structures, building and paving coverage, landscaping, lighting, glare, dust, signage, views, noise, and odors. The plan must ensure that noxious emissions and conditions not typical of land uses in the same zoning district will be effectively confined so as not to be injurious or detrimental to nearby properties.
- D. **Decision-Maker.** The Director shall make recommendations and the Planning Commission shall approve, conditionally approve or deny all applications for a conditional use permit.
- E. **Application and Review Procedures.** Application requirements and processing procedures are described in Table 2.1 and Section 2.3.B.
- F. **Validity.** Once established, a conditional use permit approval shall run with the land and remain valid until the property changes use or the use is abandoned and nonoperational for a period of twelve (12) consecutive months.

## 2.14 ANNEXATIONS

- A. **Purpose.** In accordance with state statutes, land may be annexed or de-annexed from the City as deemed appropriate by the City Council.
- B. **Applicability.** Any lands to be added to or deleted from the corporate limits of the City shall comply with this Section 2.14.
- C. **Review Criteria.** The application shall meet all applicable statutory and City administrative requirements. A complete copy of these requirements is available from the Community Development Department.
- D. **Decision-Maker.** The Director shall make recommendations and the City Council shall approve, conditionally approve or disapprove all applications for annexation or contraction of the municipal limits.
- E. **Application and Review Procedures.** Application requirements and processing procedures shall comply with those described in applicable state statutes. A summary of these procedures is available from the Community Development Department.
- F. **Zoning of Annexed Properties.** Land annexed to the City shall be zoned in accordance with Section 2.6 to a district that is consistent with the adopted Growth Plan or consistent with existing County zoning.

## 2.15 VESTED PROPERTY RIGHTS

- A. **Purpose.** The purpose of this Section 2.15 is to provide the procedures necessary to implement the provisions of Sections 24-68-101, *et seq.* and 29-20-101 *et seq.*, C.R.S.
- B. **Definitions.** The following definitions are for the purposes of administration of this Section 2.15 only and do not apply to any other Sections of this Code.
1. "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 Sections 24-68-101, *et seq.*, C.R.S. 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.
  2. "Vested Property Right" means the right to undertake and complete the development and use of property under the terms and conditions of a SSDP.
- C. **Applicability.** An Applicant may request, in writing to have property rights vest with a SSDP. The SSDP shall be applicable only to:
1. Property zoned Planned Development with the approved Final Development Plan constituting the SSDP, or
  2. Any other application (*i.e.*, Outline Development Plan, Site Plan, Conditional Use, Subdivision Plat, Final Development Plan or Development Improvements Agreement) provided that:
    - a. the Applicant requests in writing that the Planning Commission hold a Public Hearing and approve a specific document/application as a SSDP; and/or
    - b. State law requires that a vested property right be granted in which case the Planning Commission shall determine, at its discretion, which, if any document/application shall constitute a SSDP.
- D. **Approval Criteria.** The application shall demonstrate compliance with all of the following:
1. The provisions stated in Sections 24-68-101 *et seq.*, C.R.S.; and
  2. The more stringent of the Final Development Plan review criteria of Section 2.12.D.2 or any other specific document/application review criteria that the Planning Commission shall determine to be applicable.
- E. **Decision-Maker.** The Director and Planning Commission shall make recommendations and the City Council shall approve, conditionally approve or deny all applications for vested property rights.
- F. **Application and Review Procedures.** Application requirements and processing procedures are described in Table 2.1 and Section 2.3.B, with the following modifications:
1. **Waiver prior to Annexation.** Any landowner requesting annexation shall waive in writing any preexisting vested property rights in the petition for annexation, when such rights are consistent with ordinances or regulations which are general in

nature and are applicable to property subject to land use regulation. An owner may consent in writing to waive any prior vested property rights.

2. **Concurrent Review.** An application for approval of a SSDP shall be submitted and reviewed concurrently with an application for a final development plan or any other document that Planning Commission shall determine, at its discretion, constitutes a site specific development plan.
3. **Payment of Costs.** In addition to any and all other fees and charges imposed by this Code, the applicant shall pay all costs incurred by the City as a result of the SSDP review, including publication of notices, public hearing and review costs.
4. **Notice of Approval.** It is the applicant's responsibility to ensure that each final plan, 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 24-68-101, *et seq.* C.R.S." Omission of this statement shall invalidate the creation of the vested property right. In addition, the applicant shall, within 14 calendar days after the approval of the SSDP, satisfy the notice requirements of Section 24-68-103(1), C.R.S. by publishing at his expense a notice, in a newspaper of general circulation within the City, advising the public of the SSDP approval and creation of vested property rights pursuant to law, together with a legal description of the property at issue in the SSDP.
5. **Notice to City.** Within fourteen (14) calendar days after the approval of a SSDP, the applicant shall acknowledge by written instrument that he confirms his obligation to satisfy all other requirements under the City Codes, rules and regulations including, but not limited to, all studies that may be required. Such studies may concern traffic, drainage, erosion control and utilities.
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.
7. The duration of any vesting shall be no longer than required by state law, unless a different duration is provided by written agreement between the owner and the City. Failure to comply with any condition of approval of a SSDP shall result in forfeiture of vested rights and the SSDP shall be declared void and lapsed and shall be reverted in accordance with Section 2.12 of this Code.
8. **Approval, Effective Date, Amendments.** A SSDP shall be deemed approved upon the last action by the City Council relating thereto. No amendment of a SSDP shall extend or change the effective date of vesting of a property right unless specifically provided by written agreement. In the event amendments to a SSDP are proposed and approved, the effective date of such amendments, for purposes of duration of vested property right, shall be the initial date of the approval of the SSDP.
9. **Waiver of Vesting.** Any waiver, be it in part or in full, of a vested property right shall be accomplished by written agreement between the owner and the City and shall be recorded in the Mesa County land records.
10. **Limitations.** Nothing in this Section 2.15 is intended to create any vested property right, but only to implement the provisions of Sections 24- 68-101, *et*

*seq. C.R.S. and Sections 29-20-101, et seq. C.R.S.* In the event of the repeal of said Article or a judicial determination that said Article is invalid or unconstitutional, this Section 2.15 shall be deemed to be repealed, and the provisions hereof no longer effective.

## **2.16 VARIANCES**

- A. **Purpose.** A variance is a departure from the dimensional or numerical requirements of this Code where such variance will not be contrary to the public interest and where, owing to conditions peculiar to the property and not as a result of the action of the applicant, a literal enforcement of this Code would result in unnecessary and undue hardship. Variances are permitted only to those portions of this Code as specified herein.
- B. **Applicability.**
1. The Director may approve variances of up to ten percent (10%) of any bulk requirement. Requests for variances to the bulk, standards that are greater than ten percent (10%) and variances to the performance or use-specific standards of Chapter Four, all overlay district regulations of Chapter Seven, excluding corridor overlay districts, and the sign regulations of Chapter Four shall be heard by the Zoning Board of Appeals. Planning Commission shall hear variances to all other standards, unless otherwise specified.
  2. Variances shall not be heard or granted for:
    - a. The establishment or expansion of a use in a district in which such use is not permitted by this Code;
    - b. Residential development which would result in an increase in density greater than that permitted in the applicable zoning district; and
    - c. Changes or modifications to any definition contained in this Code.
- C. **Approval Criteria.**
1. **Minor Deviation.**
    - a. The Director may permit up to a ten percent (10%) deviation from any bulk standard upon a finding of compliance with the criteria of this Section 2.16. The purpose of this process is to permit inconsequential deviations from the zoning district bulk standards that are created through construction errors or where additions to existing structures are desirable but cannot be accommodated through a strict application of the bulk standards.
    - b. A property may receive approval of a minor deviation to only one (1) bulk standard for the life of the structure. A contractor seeking relief for a construction error may receive approval of a minor deviation only once every three (3) years. All other requests shall be processed as variances as per this Section 2.16. Minor deviation shall be granted only when the applicant establishes that all of the following criteria are satisfied.
      - (1) **Additions.** Requests for a minor deviation to accommodate an addition to an existing structure shall comply with all of the following:

- (A) Conforming locations for the addition are impractical, significantly more expensive or have a significant adverse impact on the site plan in terms of overall site design or relationships between site plan elements including, but not limited to, structures, patios, driveways and landscaping;
  - (B) The location of the addition represents a logical extension of the existing floor plan in terms of function and design;
  - (C) The location of the addition does not result in the creation of unsafe conditions or create circulation conflicts;
  - (D) The exterior design of the addition represents a logical extension of the existing structure and is consistent with the design of the existing structure;
  - (E) Site and structural design elements of the addition shall be considered. Such elements include, but are not limited to:
    - (i) Height of the addition relative to neighboring structures;
    - (ii) The location, number and size of windows, doors, porches, balconies and outdoor lights;
    - (iii) The location of patios and walkways;
    - (iv) The location, size and types of hedges, walls and fences; and
    - (v) The level of privacy to occupants of both neighboring properties and the addition. Such privacy shall be equal to or greater than that provided if the addition were located within the required setback;
  - (F) The addition complies with all building, fire and other adopted codes and policies;
  - (G) The requested deviation is only ten percent (10%) or less of a single bulk standard; and
  - (H) The deviation shall not result in physical encroachment into an easement, right-of-way or neighboring property.
- (2) **Construction Errors.** Requests for a minor deviation to accommodate a construction error shall comply with all of the following:
- (A) All of the criteria applicable to additions;
  - (B) The error shall have been inadvertent; and
  - (C) The contractor responsible for the error shall not have been the recipient of another approved minor deviation in the past three (3) years.

2. **Decision-Maker.** The Director shall approve, approve with conditions or deny all requests for a minor deviation. Appeals from the Director shall be processed as a variance using the procedures provided in Section 2.16, but with the review criteria provided herein.

3. **Application and Review Procedures.** Application requirements and processing procedures are described in Table 2.1 and Section 2.2.B, with the following modification:
  - a. **Consistency with Covenants.** The applicant shall provide proof that the requested minor deviation does not conflict with any recorded covenants applicable to the property, or demonstrate in writing that the entity responsible for enforcing the covenants has approved the requested deviation. In the event there is no single entity responsible for enforcing the covenants, and the requested minor deviation does not conform to the covenants, the Applicant shall provide a written statement acknowledging the inconsistency and that he shall indemnify and hold the City harmless for any action, damages claims or suits brought in the event the minor deviation is approved.
4. **Variance Requests from Bulk, Performance, Use-Specific and Other Standards.** A variance is not a right. It may be granted to an applicant only if the applicant establishes that strict adherence to the Code will result in practical difficulties or unnecessary hardships because of site characteristics that are not applicable to most properties in the same zoning district. The following criteria shall be used to consider variances from the bulk, performance and use-specific standards contained in Chapter Four, and any other standard in this Code for which specific variance criteria is not provided. Such variances shall be granted only when the applicant establishes that all of the following criteria are satisfied:
  - a. **Hardship Unique to Property, Not Self-Inflicted.** 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;
  - b. **Special Privilege.** The variance shall not confer on the applicant any special privilege that is denied to other lands or structures in the same zoning district;
  - c. **Literal Interpretation.** The literal interpretation of the provisions of the regulations would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district and would work unnecessary and undue hardship on the applicant;
  - d. **Reasonable Use.** The applicant and the owner of the property cannot derive a reasonable use of the property without the requested variance;
  - e. **Minimum Necessary.** The variance is the minimum necessary to make possible the reasonable use of land or structures;
  - f. **Compatible with Adjacent Properties.** The variance will not be injurious to, or reduce the value of, the adjacent properties or improvements or be detrimental to the public health, safety or welfare. In granting a variance, the Board may impose conditions deemed

necessary to protect affected property owners and to protect the intent of this Code. The Board may consider prospective financial loss or gain to applicant but consideration thereof shall not be sole reason for granting a variance;

- g. **Conformance with the Purposes of this Code.** The granting of a variance shall not conflict with the purposes and intents expressed or implied in this Code; and
  - h. **Conformance with the Growth Plan.** The granting of a variance shall not conflict with the goals and principles in the City's Growth Plan.
5. **Variance from Sign Regulations.** A variance may be granted from the provisions or requirements of the sign regulations only if the applicant establishes that all of the following criteria are satisfied:
- a. **Undue and Unnecessary Hardship.** 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. **Not Contrary to Property Values.** The granting of a variance would not be materially detrimental to the property owners in the vicinity;
  - c. **Hardship Unique to Property, Not Self-Imposed.** The unusual conditions applying to the specific property do not apply generally to other properties in the City; and
  - d. **Conformance with Character of Area, Corridor Plans.** The granting of a variance shall not be contrary to the goals and objectives of any applicable corridor overlay district or to the general objective of moderating the size, number, and obtrusive placement of signs and the reduction of clutter.
6. **Variance from Floodplain, Geologic and Wildfire Hazard Regulations (Hazards).** A variance may be granted from the requirements of the overlay district provisions of Chapter Seven, except the corridor overlay districts, only after consideration is given to all technical evaluations, all relevant factors, the standards specified in applicable Sections of this Code, and:
- a. The danger that materials or fire may be swept onto other lands to the injury of others;
  - b. The danger to life and property due to the presence of hazardous condition;
  - 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 of the facility to a waterfront location, where applicable;
  - f. The availability of alternative locations for the proposed use which are not subject to hazards;
  - g. The compatibility of the proposed use with the existing and anticipated development;

- h. The relationship of the proposed use to the Growth 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 hazard conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, streets and bridges.
7. **Limitations on Floodplain Variances.**
- a. Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.
  - b. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
  - c. 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 or conflict with existing local laws or ordinances.
  - d. Any applicant to whom a variance is granted shall be given written notice that the structure shall 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.
- D. **Decision-Maker.** The Director shall make recommendations and the Zoning Board of Appeals shall approve, approve with conditions or deny requests for variances to the bulk, performance or Use-specific standards of Chapter Four, all overlay district regulations of Chapter Seven, excluding corridor overlay districts, and the sign regulations of Chapter Four. Unless otherwise specified, requests for variances to all other standards shall be approved, approved with conditions or denied by Planning Commission, upon a recommendation from the Director.
- E. **Application and Review Procedures.** Application requirements and processing procedures are described in Table 2.1 and Section 2.3.B.

## 2.17 REVOCABLE PERMIT

- A. **Purpose.** A revocable permit is needed to ensure that any private development on public land is safely conducted in a manner that does not pose potential burdens on the public.
- B. **Applicability.** No structure, fence, sign or other permanent object shall be constructed, maintained, or erected, or a public right-of-way used, without a revocable permit. A revocable permit for irrigation and landscaping in the rights-of-way can be reviewed and approved at the staff level.
- C. **Approval Criteria.** Applications for a revocable permit shall demonstrate compliance with all of the following:
  - 1. There will be benefits derived by the community or area by granting the proposed revocable permit;
  - 2. There is a community need for the private development use proposed for the City property;
  - 3. The City property is suitable for the proposed uses and no other uses or conflicting uses are anticipated for the property;
  - 4. The proposed use shall be compatible with the adjacent land uses;
  - 5. The proposed use shall not negatively impact access, traffic circulation, neighborhood stability or character, sensitive areas such as floodplains or natural hazard areas;
  - 6. The proposed use is in conformance with and in furtherance of the implementation of the goals, objectives and policies of the Growth Plan, other adopted plans and the policies, intents and requirements of this Code and other City policies; and
  - 7. The application complies with the submittal requirements as set forth in the Section 127 of the City Charter, this Chapter Two and the SSID Manual.
- D. **Decision-Maker.** The Director shall make recommendations and the City Council shall approve, conditionally approve, or deny all applications for a revocable permit.
- E. **Application and Review Procedures.** Application requirements and processing procedures are described in Table 2.1 and Section 2.3.B.

## 2.18 REHEARING AND APPEALS

- A. **Purpose.** The purpose of Section 2.18 is to provide for a rehearing and appeal process for decisions and actions by the Director, Zoning Board of Appeals, Planning Commission and City Council.
- B. **Appeal of Director's Interpretations.** Any person, including any officer or agent of the City, aggrieved or claimed to be aggrieved by an interpretation of this Code rendered by the Director may request an appeal of the interpretation in accordance with Section 2.18.
  - 1. **Approval Criteria.** In granting an appeal of a Director's interpretation, the Zoning Board of Appeals shall determine whether the interpretation by the Director was in accordance with the intent and requirements of this Code.
  - 2. **Decision-Maker.** The Zoning Board of Appeals shall affirm, reverse or remand the decision. In reversing or remanding the interpretation back to the Director, the Board shall state the rationale for its decision.

3. **Application and Review Procedures.** Application requirements and processing procedures are described in Table 2.1 and Section 2.3.B, with the following deviations:
  - a. **Application Materials.** The appellant shall provide a written statement citing the specific provision(s) of this Code that the appellant believes the Director has incorrectly interpreted and the appellant's interpretation of the provision(s).
  - b. **Notice.** Notice of the hearing is not required to anyone other than the appellant.
  - c. **Director's Report.** The Director shall prepare a report detailing the specific provision(s) of this Code that are in question, his interpretation of the provision(s), and the general basis of the interpretation.
- C. **Appeal of Final Action on Administrative Development Permits.** Any person, including any officer or agent of the City, aggrieved or claimed to be aggrieved by a final action of the Director on an administrative development permit, may request an appeal of the action in accordance with Table 2.1 and Section 2.18.C.
  1. **Approval Criteria.** In granting an appeal of an administrative development permit, the appellate body shall find that the Director:
    - a. Acted in a manner inconsistent with the provisions of this Code or other applicable local, state or federal law; or
    - b. Made erroneous findings of fact based on the evidence and testimony on the record; or
    - c. Failed to fully consider mitigating measures or revisions offered by the applicant that would have brought the proposed project into compliance; or
    - d. Acted arbitrarily, acted capriciously and/or abused his discretion.
  2. **Decision-Maker.** The appellate body for a particular administrative development permit shall be as specified in Table 2.1. The appellate body shall affirm, reverse or remand the decision. In reversing or remanding a decision, the appellate body shall state the rationale for its decision. An affirmative vote of four (4) members of the appellate body shall be required to reverse the Director's action.
  3. **Application and Review Procedures.** Requests for an appeal shall be submitted to the Director in accordance with the following:
    - a. **Application Materials.** The appellant shall provide a written request that explains the rationale of the appeal based on the criteria provided in Section 2.18.C.1.
    - b. **Notice to Applicant.** If the appellant is not the applicant, the Director, within five (5) working days of receipt of the request for appeal, shall notify the applicant of the request and the applicant shall have ten (10) working days to provide a written response.
    - c. **Preparation of the Record.** The Director shall compile all material made a part of the record of the Director's action. As may be requested by the appellate body, the Director also may provide a written report.

- d. Notice. No notice of the appeal is required.
  - e. Conduct of Hearing. The appellate body shall hold a evidentiary hearing to determine whether the Director's action is in accordance with the criteria provided in Section 2.18.C.1. The appellate body may limit testimony and other evidence to that contained in the record at the time the Director took final action or place other limits on testimony and evidence as it deems appropriate.
- D. **Rehearing.** Any person, including any officer or agent of the City, aggrieved by or claimed to be aggrieved by a decision or final action of the Zoning Board of Appeals, Planning Commission or City Council may request a rehearing in accordance with Section 2.18.D. A rehearing does not have to be requested in order to perfect an appeal.
- 1. **Approval Criteria.** In granting a request for a rehearing, the decision-maker shall:
    - a. Find that the person requesting the rehearing was present at the original hearing or otherwise on the official record concerning the development application;
    - b. Find that the rehearing was requested in a timely manner as; and
    - c. Find that in making its decision, the decision-maker may have failed to consider or misunderstood pertinent facts in the record or that information crucial to the decision was not made available at or prior to the decision being made.
  - 2. **Decision-Maker.** A motion to grant a rehearing may be made only by a member of the decision-making body that voted in the majority of the decision requested to be reheard. Any other member may second the motion. If no motion is made or dies for lack of second, the request shall be considered to be denied.
  - 3. **Application and Review Procedures.** Requests for a rehearing shall be submitted to the Director in accordance with the following:
    - a. **Application Materials.** The person desiring the rehearing shall provide a written request that specifically identifies the pertinent facts in the hearing record that he/she asserts that the decision-maker failed to consider or misunderstood and/or describes the information that was not made available at or prior to the decision. The person shall submit evidence of his/her attendance at the original hearing or other testimony or correspondence from him/her that was in the official record at the time of the original hearing.
    - b. **Application Fees.** The appropriate fee, as may be approved by the City Council, shall be submitted with the request.
    - c. **Application Deadline.** A request for a rehearing shall be submitted within ten (10) calendar days of the action taken by the decision-maker.
    - d. **Notice to Applicant.** If the person requesting the rehearing is not the applicant, the Director, within five (5) working days of receipt of the request for rehearing, shall notify the applicant of the request and the

- e. applicant shall have ten (10) working days to provide a written response.
  - e. Hearing. The Director shall schedule the rehearing request within forty-five (45) calendar days of receipt of a complete request.
  - f. Notice. Notice of the request for rehearing shall be provided in the same manner as was required with the original action as shall notice for the rehearing itself if one is granted.
  - g. Conduct of Hearing. The decision-maker shall first decide whether to grant a rehearing. At its discretion, the decision-maker may permit limited testimony as to the nature of and grounds for the rehearing request itself before making this decision. If a rehearing is granted, the rehearing shall be scheduled within forty-five (45) calendar days of the decision. The conduct of the rehearing shall be the same as that required for the original hearing.
  - h. Status of Appeal. If a rehearing is not granted, only the person requesting the rehearing shall have five (5) working days to file an appeal of the original decision. If a rehearing is granted, a new appeal period for any aggrieved party shall begin at the time a decision is made at the rehearing, even if the decision is the same as that made originally.
- E. **Appeal of Action on Nonadministrative Development Permits.** Any person, including any officer or agent of the City, aggrieved by or claimed to be aggrieved by a final decision of the Planning Commission may appeal the action in accordance with Table 2.1 and Section 2.18.E.
1. **Approval Criteria.**
    - a. Findings. In granting an Appeal to action on a nonadministrative development permit, the appellate body shall find:
      - (1) The decision maker may have acted in a manner inconsistent with the provisions of this Code or other applicable local, state or federal law; or
      - (2) The decision maker may have made erroneous findings of fact based on the evidence and testimony on the record; or
      - (3) The decision maker may have failed to fully consider mitigating measures or revisions offered by the applicant that would have brought the proposed project into compliance; or
      - (4) The decision-maker may have acted arbitrarily, acted capriciously, and/or abused its discretion; or
      - (5) In addition to one (1) or more of the above findings, the appellate body shall find the appellant was present at the hearing during which the original decision was made or was otherwise on the official record concerning the development application. The appellate body shall also find that the appellant requested a rehearing before the decision-maker in accordance with Section 2.18.D.
  2. **Facts on Record.** In considering a request for appeal, the appellate body shall consider only those facts, evidence, testimony and witnesses that were part of

the official record of the decision-maker's action. No new evidence or testimony may be considered, except City staff may be asked to interpret materials contained in the record. If the appellate body finds that pertinent facts were not considered or made a part of the record, they shall remand the item back to the decision-maker for a rehearing and direct that such facts be included on the record.

3. **Decision-Maker.** The appellate body for a particular development permit shall be as specified on Table 2.1. The appellate body shall affirm, reverse or remand the decision. In reversing or remanding the decision back to the decision-maker, the appellate body shall state the rationale for its decision. An affirmative vote of four (4) members of the appellate body shall be required to reverse the decision-maker's action. An affirmative vote of five (5) members of the appellate body shall be required to approve rezones and Growth Plan Amendment(s).
4. **Application and Review Procedures.** Requests for an appeal shall be submitted to the Director in accordance with the following:
  - a. **Application Materials.** The appellant shall provide a written request that explains the rationale of the appeal based on the criteria provided in Section 2.18.E.1. The appellant also shall submit evidence of his/her attendance at the original hearing or other testimony or correspondence from him/her that was in the official record at the time of the original hearing.
  - b. **Application Fees.** The appropriate fee, as may be approved by the City Council, shall be submitted with the request.
  - c. **Application Deadline.** A request for an appeal shall be submitted within ten (10) calendar days of the action taken by the decision-maker.
  - d. **Notice to Applicant.** If the appellant is not the applicant, the Director, within five (5) working days of receipt of the request for appeal, shall notify the applicant of the request and the applicant shall have ten (10) working days to review the request and provide a written response.
  - e. **Preparation of the Record.** The Director shall compile all material made a part of the official record of the decision-maker's action. As may be requested by the appellate body, the Director also may provide a summary report of the record.
  - f. **Notice.** Notice of the appeal hearing shall be provided in the same manner as was required with the original action.
  - g. **Hearing.** The Director shall schedule the Appeal before the appellate body within forty-five (45) calendar days of receipt of the appeal. The appellate body shall hold a hearing and render a decision within thirty (30) calendar days of the close of that hearing.
  - h. **Conduct of Hearing.** At the hearing, the appellate body shall review the record of the decision-maker's action. No new evidence or testimony may be presented, except that City staff may be asked to interpret materials contained in the record.

- F. **Planning Commission Recommendation to City Council.** All recommendations, including recommendations of denial, which the Planning Commission makes to the City Council (i.e., the Planning Commission is not the final decision-maker) shall be heard by the City Council without necessity of Appeal. The applicant may withdraw in writing an application that has been heard by the Planning Commission and recommended for denial. Such hearings shall be de novo before the Council. Supermajority and other procedural requirements provided elsewhere in this Code shall be applicable.

## **2.19 DEVELOPMENT IMPROVEMENTS AGREEMENTS (DIAs)**

### **A. Development Improvements Agreement Authorized.**

1. The Director may defer the requirement for the completion of required improvements if the applicant enters into a Development Improvements Agreement (DIA) by which the applicant agrees to complete all required public improvements in accordance with an agreed schedule. The Director may require the Applicant to complete and dedicate some required public improvements prior to approval of the final plat and to enter into a DIA for completion of the remainder of the required improvements. The City Attorney shall approve any DIA as to form.

### **B. Agreement to Run with the Land.**

1. The Development Improvements Agreement shall provide that the requirements contained therein shall run with the land and bind all successors, heirs, and assignees of the Applicant. The DIA for subdivisions shall be recorded with the Mesa County Clerk and Recorder. All other DIA's may, at the Director's discretion, be recorded or deposited with the City Clerk. All existing lienholders shall be required to subordinate their liens to the guarantees contained in the DIA.

### **C. Performance Security.**

1. Whenever the Director permits an applicant to enter into a Development Improvements Agreement, the applicant shall be required to provide sufficient security to ensure completion of the required public improvements. The security shall be in the form of a cash deposit made to the City or a letter of credit or disbursement agreement from an authorized financial institution, or a completed, unrecorded plat.
2. The guarantee shall be in an amount estimated by the Director of Public Works as reflecting 120 percent (120%) of the cost of the improvements in the approved construction plan and shall be sufficient to cover all promises and conditions contained in the DIA.
3. In addition to all other security, when the City participates in the cost of an improvement, the applicant shall provide a performance bond from the contractor, with the City as a co-obligee.
4. The issuer of any guarantee shall be subject to the approval of the City in accordance with adopted policies.

**D. Maintenance Bond for DIA.**

1. The applicant shall guarantee the improvements against defects in workmanship and materials for a period of one (1) year from the date of City acceptance of such improvements. The maintenance guarantee shall be secured by a letter of credit, cash escrow or other form acceptable to the Director in an amount reflecting twenty percent (20%) of the cost of the completed improvements.
2. To guarantee and warrant required improvements which have been addressed by a DIA, the City may require the owner to continue or extend the security, or post new security, in an amount equal to the estimated costs of repair, replacement or warranty work, plus twenty percent (20%).
3. If the applicant has not warranted and guaranteed required improvements pursuant to a DIA, the applicant shall give the City security equal to at least fifty percent (50%) of the cost of the required improvements.

**E. Offers to Dedicate Streets, Roads, and other Lands.**

1. **Acceptance of Dedication.** The City Council, or its designees, may accept, accept with conditions, or reject any offer to dedicate any land or facility. Any offer to dedicate made pursuant to or as a condition of a review or approval pursuant to this Code constitutes the owner(s) irrevocable warranty that such owner has the right, title and interest to convey to the City and that no hazardous or other regulated substance are present on, under or in the property.
2. **Acceptance of Maintenance.** Approval of a subdivision does not mean the City will accept any road, street or public site for maintenance. The City shall not be obligated to maintain any land(s) unless it explicitly agrees to do so in writing.

**F. Temporary Improvements.**

1. The Developer shall construct and pay for all costs of temporary improvements required by the City to protect the public, neighborhood or another person. The applicant shall maintain said temporary improvements for the period specified.

**G. Completion of Improvements.**

1. **Construction of Required Improvements.**
  - a. Before construction begins, the developer must be familiar with the submittal, construction, plans and inspection requirements of each utility or agency.
  - b. After the City and/or other utility providers has inspected and approved all or a portion of the required improvements, the Developer may request, in writing, that the approved portion be accepted for maintenance by the appropriate agency. The City shall establish the Developer's limits of responsibility for the improvements. The City may condition its acceptance and may require additional guarantees and assurances for at least one (1) year following acceptance.

- c. Even if the City does not accept all or a portion of the required improvements, or delays any acceptance, the City may require the Developer to correct such defects or deficiencies identified by the City, in which case, final acceptance may be extended for one (1) additional year.
  - 2. **Release of Improvements Agreement and Guarantee.**
    - a. The Developer shall submit a written request for a release from the Development Improvements Agreement for the improvements that have been accepted for maintenance by the appropriate agency proof of acceptance for maintenance and proof that there are no outstanding judgments or liens against the property shall accompany this request.
    - b. The City Council, or its authorized representative, shall review the request. If the requirements of the DIA concerning that portion requested for release have been complied with, the appropriate document of release shall be recorded with the Mesa County Clerk and Recorder's Office.
    - c. Release of the DIA does not constitute a Certificate of Completion and Release of Responsibility.
  - 3. **Certificate of Completion and Release of Responsibility.** Upon expiration of the limits of responsibility established in this Code, the Developer may request a Certificate of Completion and Release of Responsibility from the appropriate agency.
- H. **Extension of Development Improvements Agreement and Security.**
  - 1. If the applicant is unable to complete all required improvements contained in an executed Development Improvements Agreement within the time stated therein, he shall provide written notice of same to the Director at least thirty (30) calendar days prior to the deadline of the milestones he will be unable to meet. The applicant shall make a formal written request for an extension of the DIA and security and provide a revised development schedule, which shall be reviewed by the Director. The Director shall approve, approve with conditions or deny the request for an extension. Based on the Director's decision the existing DIA may be amended, a new DIA drawn up and executed, or the Director may exercise any default provisions contained in the approved DIA. Any amendments or new agreements shall be recorded in the same manner as the original DIA, if required by the Director.
  - 2. If the DIA is to be extended or a new DIA is to be executed, the applicant shall provide sufficient security which may be the same as or greater than the original security, up to 120 percent (120%), as was required with the original guarantee. No amendment or replacement DIA shall be executed, recorded or effective until security acceptable to the Director is provided.

## **2.20 INSTITUTIONAL AND CIVIC FACILITY MASTER PLANS**

- A. **Purpose.** The purpose of a Master Plan review process is to provide an opportunity for the early review of major institutional and civic facilities that provide a needed

- service to the community, but might impact the surrounding community. The Master Plan review allows the City, through a public process, to assess any impacts early in the review process and direct the applicant on how best to address the impacts.
- B. **Applicability.** A Master Plan shall be required for any institutional and/or civic use, as that term is defined in Chapter Three, Table 3.5, when such project: consists of multiple phases of construction and when constructed will include 100,000 square feet in one (1) or more buildings; will result in significant modification of the existing transportation circulation patterns; and/or when the Director deems the project and/or the City would benefit from such a review.
- C. **Review Criteria.** In reviewing a Master Plan, the decision-making body shall consider the following:
1. Conformance with the Growth Plan and other are, corridor or neighborhood plans;
  2. Conformance with the Grand Valley Circulation Plan and general transportation planning requirements;
  3. Compatibility with the surrounding neighborhood in terms of capacity of safety of the street network, site access, adequate parking, adequate storm water and drainage improvements, minimization of water, air or noise pollution, limited nighttime lighting and adequate screening and buffering potential;
  4. Adequacy of public facilities and services; and
  5. Community benefits from the proposal.
- D. **Decision-Maker.** The Director and Planning Commission shall make recommendations and the City Council shall approve, conditionally approve or deny a Master Plan.
- E. **Application and Review Procedures.** The application and processing procedures shall be as follows:
1. The review of a Master Plan shall precede, or be concurrent with, any other required review process.
  2. The content of the Master Plan document shall be sufficient to generally assess the following:
    - a. Site access, traffic flow, pedestrian circulation/safety;
    - b. Adequate parking;
    - c. Location of open space and trails;
    - d. Drainage and storm water management;
    - e. General building location and size; and
    - f. Adequate screening and buffering.
  3. A General Meeting shall be required.
  4. A Neighborhood Meeting is mandatory.
  5. Required notice shall include public notice in the newspaper, mailed notice and sign posting notice.
- F. **Validity.** The Master Plan shall be valid for a minimum of five (5) years unless otherwise established by the decision-maker. All phases of projects being developed shall be in conformance with the approved plan. Amendments to the Master Plan may be proposed at any time through the regular Master Plan review process. An

amended Master Plan is required if significant changes are proposed. Generally, significant changes are anything not deemed to be minor amendments as defined in Section 2.12.F.3.a.

# **CHAPTER THREE**

## **ZONING**

### **3.1 PURPOSE**

The City is zoned into areas referred to as zones or districts. The purpose of establishing zones is to:

- A. Implement the Growth Plan;
- B. Encourage the most appropriate use of land throughout the City and to ensure logical and orderly growth and development of the physical elements of the City;
- C. Prevent scattered, haphazard growth and guide orderly transition of urban areas;
- D. Conserve and enhance economic, social and aesthetic values;
- E. Protect and maintain the integrity and character of established neighborhoods;
- F. Facilitate provision of adequate public facilities and services, such as transportation, water, sewerage, schools and parks;
- G. 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;
- H. Provide for adequate light and clean air;
- I. Aid in preventing traffic congestion in the streets and public ways of the City;
- J. Prevent unduly noisome and/or injurious substances, conditions and operations;
- K. Secure safety from fire, panic and other dangers; and
- L. Promote the public health, safety and welfare.

### **3.2 DIMENSIONAL STANDARDS**

- A. Table 3.2 lists the dimensional standards that apply within zoning districts. These are base standards, not guarantees that stated minimums or maximums can be achieved on every site. Other regulations of this Code or site-specific conditions may further limit development on a site. The standards apply to all uses unless expressly exempted.

**Table 3.2**  
**ZONING DISTRICTS DIMENSIONAL STANDARDS**

Zoning District	Minimum Lot Size		Minimum Street Frontage (ft.)	Minimum Setbacks <sup>(1)</sup> (Principal/Accessory Building)			Max. Lot Coverage (%)	Max. FAR	Max. Height (ft.)
	Area (sq. ft.)	Width (ft.)		Front <sup>(8)</sup> (ft.)	Side (ft.)	Rear <sup>(8)</sup> (ft.)			
See Section	3.2.B	3.2.C	3.2.D	3.2.E	3.2.E	3.2.E	3.2.F	3.2.G	3.2.H
<b>Urban Residential Zoning Districts</b>									
RSF-R	5 Acres	150	50 <sup>(2)</sup>	20/25	50/50	50/50	5	0.40 <sup>(3)</sup>	35
RSF-E	2 Acres	100	50 <sup>(2)</sup>	20/25	15/5	30/10	15	0.40 <sup>(3)</sup>	35
RSF-1	1 Acres	100	50 <sup>(2)</sup>	20/25	15/3	30/10	20	0.40 <sup>(3)</sup>	35
RSF-2	17,000	100	50 <sup>(2)</sup>	20/25	15/3	30/5	30	0.40 <sup>(3)</sup>	35
RSF-4	8,000	75	20	20/25	7/3	25/5	50	0.40 <sup>(3)</sup>	35
RMF-5	6,500	60	20	20/25	5/3	25/5	60	0.40 <sup>(3)</sup>	35
RMF-8	4,500	40	20	20/25	5/3	10/5	70	0.45 <sup>(3)</sup>	35
RMF-12	4,000	40	20	20/25	5/3	10/5	75	0.50 <sup>(3)</sup>	40
RMF-16	4,000	40	20	20/25	5/3	10/5	75	0.60 <sup>(3)</sup>	40
RMF-24	4,000	40	20	20/25	5/3	10/5	80	0.60 <sup>(3)</sup>	40
<b>Nonresidential Zoning Districts</b>									
R-O	5,000	50	20	20/25	5/5	10/5	70	0.40	35
B-1	10,000	50	N/A	20/25	0/0 <sup>(5)</sup>	15/15	N/A	0.50	40
B-2	N/A	N/A	N/A	15/25 <sup>(7)</sup>	0/0 <sup>(5)</sup>	0/0 <sup>(5)</sup>	N/A	4.00	65 <sup>(4)</sup>
C-1	0.5 Acre	50	N/A	15/25	0/0 <sup>(5)</sup>	10/10	N/A	1.00	40 <sup>(6)</sup>
C-2	0.5 Acre	50	N/A	15/25	0/0 <sup>(5)</sup>	10/10	N/A	2.00	40
I-0	1 Acre	100	N/A	15/25	15/15	25/25	N/A	0.75	40 <sup>(6)</sup>
I-1	1 Acre	100	N/A	15/25	5/5 <sup>(5)</sup>	10/10	N/A	2.00	40

Zoning District	Minimum Lot Size		Minimum Street Frontage (ft.)	Minimum Setbacks <sup>(1)</sup> (Principal/Accessory Building)			Max. Lot Coverage (%)	Max. FAR	Max. Height (ft.)
	Area (sq. ft.)	Width (ft.)		Front <sup>(8)</sup> (ft.)	Side (ft.)	Rear <sup>(8)</sup> (ft.)			
See Section	3.2.B	3.2.C	3.2.D	3.2.E	3.2.E	3.2.E	3.2.F	3.2.G	3.2.H

**Nonresidential Zoning Districts, continued**

I-2	1 Acre	100	N/A	15/25	0/0	10/10	N/A	2.00	40
CSR	1 Acre	100	N/A	15/25	5/5	10/5	N/A	1.00	65 <sup>(4)</sup>
M-U	1 Acre	100	N/A	15/25	15/15	25/25	N/A	0.5	40 <sup>(9)</sup>

**GENERAL NOTE:** See the Alternative Residential Development Standards of Chapter Five for additional information regarding flagpole lots, attached housing, zero lot line and cluster development.

Some properties might also be subject to additional restrictions and/or overlay zones.

**FOOTNOTES:**

- (1) Minimum front yard setback for garage, carport or other vehicle storage space (principal and accessory) shall be twenty feet (20'), measured from the storage entrance to the property line.
- (2) Minimum street frontage on cul-de-sac is thirty feet (30').
- (3) RSF-R through RMF-5, the FAR (Floor Area Ratio) applies only to nonresidential uses; RMF-8 through RMF-24, the FAR applies to multifamily and nonresidential uses.
- (4) Maximum height is forty feet (40') if adjacent to any residential zoning district.
- (5) 10/5 foot setback if abutting a residential zone or use.
- (6) Maximum height for structures in the C-1 and I-O zone districts which are along Horizon Drive and north of G Road (including Crossroad Boulevard and Horizon Court) shall be sixty-five feet (65').
- (7) Setbacks may be reduced to zero feet (0') by the Director if located within the downtown area.
- (8) The setback from the street along the rear half of a double frontage lot shall be the greater of the required front yard setback or the required rear yard setback.
- (9) Maximum building height may be increased up to sixty-five feet (65') if the building setbacks (front, side and rear) are at least 1.5 times the overall height of the building. A minimum of fifty percent (50%) of the resulting front yard setback area must be landscaped per Code requirements.

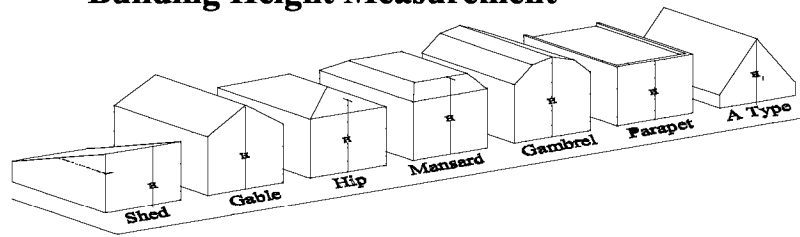
**B. Lot Area Measurement.**

1. Lot area means the amount of net land area contained within the property lines of a lot or parcel, not including street right-of-way. Lots that were legally created prior to adoption of this Code that are smaller than required may be developed if they meet the other provisions of this Code.
2. Essential unoccupied public utility installations, such as substations, shall be permitted in an area smaller than the minimum lot area prescribed by this Code. While coverage requirements shall not apply, all landscaping, screening and other requirements shall apply.

- C. **Lot Width.** Lot width is measured between side lot lines along a line that is parallel to the front lot line located at the minimum front setback distance from the front lot line. Minimum Lot width may be varied by the Planning Commission on irregularly shaped lots.
- D. **Street Frontage.** Street frontage is measured between side lot lines along the front lot line.
- E. **Setbacks.**
1. **Measurement.** Setbacks are measured as the unobstructed unoccupied open area between the furthestmost projection of a structure and the property line of the lot on which the structure is located, except as modified by the standards of this Section. Setbacks shall be unobstructed from the ground to the sky except as specified in this Section. Structures shall meet the front yard setback from all abutting streets unless otherwise provided in this Code.
  2. **Exceptions and Permitted Encroachments.** The following features may encroach into required setbacks:
    - a. Landscaping;
    - b. Bay windows, not to exceed three feet (3');
    - c. Chimneys, not to exceed two feet (2');
    - d. Clothesline posts;
    - e. Driveways, curbs and sidewalks;
    - f. Flagpoles;
    - g. Heating and cooling units, not to exceed three feet (3');
    - h. Mailboxes;
    - i. Overhanging roof, eave, gutter, cornice, or other architectural feature and awnings, not to exceed three feet (3');
    - j. Underground utilities;
    - k. Signs;
    - l. Open steps, stairs or fire escapes (nonenclosed), not to exceed six feet (6');
    - m. Uncovered, unenclosed terraces or porches not to exceed six feet (6'), but in no case closer than three feet (3') to any property line;
    - n. Fences or walls, if otherwise allowed by this Code;
    - o. Yard and service lighting fixtures and poles;
    - p. Required parking where not specifically prohibited; and
    - q. Open carports, up to one-half (1/2) of the required side or rear yard setback for principal structures, but not closer than three feet (3') to the lot line.
  3. **Setback Averaging.** Regardless of the minimum front setback required by the zoning district, a front setback may be reduced to the mean of the setbacks of the immediately adjoining lots that are on both sides of the subject lot. The following rules apply in calculating the mean setback:

- a. Only the setbacks on the lots that abut a side of the subject lot at the street and are on the same side of the street may be used. Setbacks across the street or along a different street may not be used; and
  - b. When one (1) abutting lot is vacant, or if the subject lot is a corner lot, then the average is calculated using the setback of the not vacant lot and the zoning district minimum setback.
  - c. Approval of setback averaging shall be in the form of a letter from the Director.
4. **The following special setbacks shall apply where noted:**
- a. On corner lots, in areas where an existing parkway strip exceeds ten feet (10') in width between a sidewalk and the curb, the front yard setback on a side street may be varied by the Director under the conditions and restrictions listed below. 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 Director shall designate which street is the side street.
    - (1) No variance shall be approved to less than five feet (5') from property line.
    - (2) A variance may be approved only for a single family residential use.
    - (3) Any variance approved shall meet all other provisions of this Code, including sight distance requirements. No variance shall be granted unless the City Engineer finds, in writing, that the proposal will not create a danger to pedestrians or vehicle circulation.
    - (4) No vehicular access shall be allowed from a side street to any structure approved for a variance under the provisions of this Section.
    - (5) A variance shall only be effective if it is issued by the Director, contains the legal description and any terms and conditions, and is recorded by the applicant prior to issuance of a building permit.
    - (6) More than one (1) contiguous parcel of land in the same ownership may be used for a principal use and to satisfy setback requirements for structures if such owner records an instrument, approved by the City Attorney which limits the uses and rights to convey (including for loans) the contiguous parcel.
- F. **Lot Coverage.** Lot coverage is measured as the percentage of the total lot area covered by buildings and other impervious surfaces. It is calculated by dividing the square footage of impervious surface by the square footage of the lot.
- G. **Floor Area Ratio (FAR).** FAR is the gross floor area of all buildings on a lot or parcel, divided by the lot area. See Section 3.6.B.

## Exhibit 3.2 Building Height Measurement



### H. Height.

1. Building height means the vertical distance between the mean finished grade between the lowest and highest grades along the foundation and the highest point of the roof or façade (see Exhibit 3.2).
2. Exceptions. Zoning district height limits do not apply to belfries, cupolas, spires, domes, monuments, airway beacons, radio/communication towers, windmills, flagpoles, chimneys, radio/television receiving antennas and chimney flues. (see Section 3.2.E.2) Height limits do not apply to any bulkhead, elevator, water tank, or to any similar structure or mechanical appurtenance or similar structure if total area of such structure(s) is less than twenty percent (20%) of the total area of the roof.
3. Any hazard or obstruction to aircraft as regulated by the FAA is prohibited.

Buildings, belfries, towers, trees and flagpoles are examples of such hazards depending on location and height. 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 Administration (FAA) shall be minimum standards. No request shall be approved if it violates FAA standards.

4. The maximum height for structures may be increased by up to twenty-five percent (25%) of the allowed height by the Planning Commission, except that in RSF-R, RSF-E, RSF-1, RSF-2, RSF-4 and M-U, additional height shall only be granted by a variance. The following criteria shall be used in reviewing a request for an increase in height:
  - a. Has a substantial change in character occurred in the area, such as zone changes, new growth trends, deterioration, or development transitions?
  - 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?
  - d. Is the height increase in conformance with the policies, intents and requirements of this Code and other adopted plans and policies?

### 3.3 RESIDENTIAL ZONING DISTRICTS

#### A. RSF-R: Residential Single Family - Rural

1. **Purpose.** To provide areas for low intensity agricultural operations and very low density single family uses in a rural setting. This district is appropriate where low-density development is desired or where terrain and/or lack of public facilities and services require low intensity development or a sense of openness is desired. RSF-R zoning implements the *Rural and Estate* future land use classification of the GROWTH PLAN.
2. **Authorized Uses.** Table 3.5 lists the authorized uses in the RSF-R district.
3. **Intensity/Density.** Subject to the density bonus provisions of this Code, and other development standards of this Code, the following density provisions shall apply:
  - a. Maximum gross density shall not exceed one (1) dwelling per five (5) acres (*i.e.* 0.2 dwelling unit per acre);
  - b. Minimum lot size shall be five (5) acres, except as provided in the cluster provisions; and
  - c. Density shall also conform with the minimum and maximum densities identified in the Growth Plan.
4. **Sewer and Roads.** Only the City Council may waive the requirements that each structure be served by the Persigo sewer system. Rural road standards may apply.

#### RSF-R Summary

Primary Uses	Detached Single-Family, Agricultural, Institutional & Civic
Max. Density	1 unit/5 acres (cluster allowed)

**B. RSF-E: Residential Single-Family – Estate**

1. **Purpose.** To provide areas for low density, estate-type single-family residential development on lots of at least two (2) acres in size, RSF-E zoning implements the *Residential Low, Estate & Rural* future land use classifications of the GROWTH PLAN.

<b>RSF-E Summary</b>	
Primary Uses	Detached Single-Family, Civic
Max. Density	1 unit/2 acres (cluster allowed)

2. **Authorized Uses.** Table 3.5 lists the uses authorized in the RSF-E District.
3. **Intensity/Density.** Subject to the density bonus provisions of this Code, and other development standards in this Code, the following density provisions shall apply:
  - a. Maximum gross density shall not exceed one (1) dwelling per two (2) acres (i.e., 0.5 dwelling units per acre);
  - b. Minimum lot size shall be two (2) acres, except as provided in Section 6.7.D.5 cluster provisions; and
  - c. Density shall also conform with the minimum and maximum densities identified in the Growth Plan.
4. **Sewer and Roads.** Only the City Council may waive the requirements that each structure be seweried by the Persigo sewer system. Rural road standards may apply.

**C. RSF-1: Residential Single Family - 1**

1. **Purpose.** To provide areas for low density residential uses in less intensely developed areas. RSF-1 tracts should abut or be in close proximity to existing large lot single family development, making RSF-1 an appropriate transition district between rural and higher

<b>RSF-1 Summary</b>	
Primary Uses	Detached Single-Family, Civic
Max. Density	1 unit/acre (cluster allowed)

density areas. This District implements the *Residential/Low Density* future land use classification of the GROWTH PLAN.

2. **Authorized Uses.** Table 3.5 lists the uses authorized in the RSF-1 District.
3. **Intensity/Density.** Subject to the density bonus provisions of this Code, and other development standards in this Code, the following density provisions shall apply:
  - a. Maximum gross density shall not exceed one (1) dwelling per acre;
  - b. Minimum lot size shall be one (1) acre, except as provided in the cluster provisions; and
  - c. Density shall also conform with the minimum and maximum densities identified in the Growth Plan.

**D. RSF-2: Residential Single Family - 2**

1. **Purpose.** To provide areas for medium-low density, single-family residential uses where adequate public facilities and services exist. RSF-2 zoning implements the *Residential Low Density* and *Residential Medium Low Density* future land use classifications of the GROWTH PLAN.

<b>RSF-2 Summary</b>	
Primary Uses	Detached/Attached Single-Family, Civic
Max. Density	2 units/acre (cluster allowed)

2. **Authorized Uses.** Table 3.5 lists the uses authorized in the RSF-2 District.

3. **Intensity/Density.** Subject to the density bonus provisions of this Code, and other development standards in this Code, the following density provisions shall apply:

- a. Maximum gross density shall not exceed two (2) dwellings per acre;
- b. Minimum lot size shall be 17,000 square feet, except as provided in the cluster provisions; and
- c. Density shall also conform with the minimum and maximum densities identified in the Growth Plan.

4. **Performance Standards.** No attached dwelling shall be constructed on a lot originally platted and zoned for detached dwellings unless a Conditional Use Permit has been issued.

**E. RSF-4: Residential Single Family - 4**

**Purpose.** To provide for medium-low density single family uses where adequate public facilities and services are available. Duplex dwellings may be allowed under special conditions. RSF-4 implements the *Residential Medium-Low and Medium Density* future land use classifications of the GROWTH PLAN.

<b>RSF-4 Summary</b>	
Primary Uses	Detached/Attached Single-Family, Duplex, Civic
Max. Density	4 units/acre (cluster allowed)
Min. Density	2 units/acre

**Authorized Uses.** Table 3.5 lists the authorized uses in the RSF-4 District.

3. **Intensity/Density.** Subject to the density bonus provisions of this Code, and other development standards in this Code, the following density provisions shall apply:
  - a. Maximum gross density shall not exceed four (4) dwellings per acre;
  - b. Minimum lot size shall be 8,000 square feet, except as provided in the cluster provisions;
  - c. Minimum net density shall not be less than two (2) dwellings per acre; and
  - d. Density shall also conform with the minimum and maximum densities identified in the Growth Plan.
4. **Performance Standards.** Development shall conform to the standards established in this Code.
  - a. In a RSF-4 district, a duplex may be built only on a corner lot and then only if:
    - (1) The minimum lot size is 15,000 square feet;
    - (2) The garage of each unit fronts on a different street;
    - (3) The main entry of each unit fronts on a different street;
    - (4) The gross density of the subdivision shall not exceed four (4) dwellings per acre;
    - (5) The streets are classified as local streets or a local street and a residential collector; and
    - (6) Driveway locations must be in accordance with TEDS.
  - b. No attached dwelling or duplex shall be constructed on a lot originally platted and zoned for detached dwellings unless a Conditional Use Permit has been issued.

F. **RMF-5: Residential Multifamily – 5**

1. **Purpose.** To provide for medium density detached and attached dwellings, duplexes and townhouses in areas where large-lot development is discouraged and adequate public facilities and services are available. RMF-5 supports the GROWTH PLAN'S principles of concentrating urban growth and reinforcing existing community centers. A mix of dwelling types is allowed in this district. This district implements the *Residential Medium Density* future land use classification of the GROWTH PLAN.

<b>RMF-5 Summary</b>	
Primary Uses	Attached and Detached Single-Family, Duplex, Townhouse, Civic
Max. Density	5 units/acre (cluster allowed)
Min. Density	2 units/acre

2. **Authorized Uses.** Table 3.5 lists the authorized uses in the RMF-5 District.
3. **Intensity/Density.** Subject to the density bonus provisions of this Code, and other development standards in this Code, the following density provisions shall apply:
- a. Maximum gross density shall not exceed five (5) dwellings per acre;
  - b. Minimum lot size shall be 6,500 square feet for the first dwelling unit plus 5,000 square feet for each additional unit on the same lot, except as provided in the cluster provisions;
  - c. Minimum net density shall not be less than two (2) dwellings per acre; and
  - d. Density shall also conform with the minimum and maximum densities identified in the Growth Plan.
4. **Performance Standards.** No attached dwelling shall be constructed on a lot originally platted and zoned for detached dwellings unless a Conditional Use Permit has been issued.

**G. RMF-8: Residential Multifamily - 8**

1. **Purpose.** To provide for medium-high density attached and detached dwellings, duplexes, townhouses and multifamily units. RMF-8 is a transitional district between lower density single family districts and higher density multifamily or business development. A mix of dwelling types is allowed in this district. RMF-8 implements the *Residential Medium and Medium-High Density* future Land Use classifications of the GROWTH PLAN.

<b>RMF-8 Summary</b>	
Primary Uses	Attached and Detached Single-Family, Duplex, Townhouse, Multifamily Civic
Max. Density	8 units/acre
Min. Density	4 units/acre

2. **Authorized Uses.** Table 3.5 lists the authorized uses in the RMF-8 District.
3. **Intensity/Density.** Subject to the density bonus provisions of this Code, and other development standards in this Code, the following density provisions shall apply:
  - a. Maximum gross density shall not exceed eight (8) dwellings per acre;
  - b. Minimum lot size shall be 4,500 square feet for an initial dwelling unit plus 4,000 square feet for each additional unit on the same lot;
  - c. Minimum net density shall not be less than four (4) dwellings per acre; and
  - d. Density shall also conform with the minimum and maximum densities identified in the Growth Plan.
4. **Performance Standards.**
  - a. No attached unit shall be constructed on a lot originally platted and zoned for detached dwellings unless a Conditional Use Permit has been issued.
  - b. For the purpose of calculating density on parcels smaller than five (5) acres, one-half (1/2) of the land area of all adjoining rights-of-way may be included in the gross lot area. The area of the right-of-way shall not be included to determine compliance with the minimum lot area requirements.

**H. RMF-12: Residential Multifamily - 12**

1. **Purpose.** To provide for high density development allowing several types of residential units within specified densities. RMF-12 may serve as a transitional district between single family and trade districts. This district is intended to allow a mix of residential unit types and densities to provide a balance of housing opportunities in a neighborhood. RMF-12 implements the *Residential Medium High and High Density* future land use classifications of the GROWTH PLAN. This zone may be appropriate in lower density areas if used as a part of a mixed density development.

<b>RMF-12 Summary</b>	
Primary Uses	Attached and Detached Single-Family, Duplex, Townhouse, Multifamily, Civic
Max. Density	12 units/acre
Min. Density	8 units/acre

2. **Authorized Uses.** Table 3.5 lists the authorized uses in the RMF-12 District.
3. **Intensity/Density.** Subject to the density bonus provisions of this Code, and other development standards in this Code, the following density provisions shall apply:
  - a. Maximum gross density shall not exceed twelve (12) dwellings per acre;
  - b. Minimum lot size shall be 4,000 square feet for an initial dwelling unit, plus 2,000 square feet for each additional unit on the same lot;
  - c. Minimum net density shall not be less than eight (8) dwellings per acre; and
  - d. Density shall also conform with the minimum and maximum densities identified in the Growth Plan.
4. **Performance Standards.**
  - a. For purpose of calculating density on parcels smaller than five (5) acres, one-half (1/2) of the land area of all adjoining rights-of-way may be included in the gross lot area.
  - b. The area of the right-of-way shall not be included to determine compliance with the minimum lot area requirements.

**I. RMF-16: Residential Multifamily - 16**

1. **Purpose.** To provide for high density development allowing several types of residential unit types. RMF-16 may serve as a transitional district between single family and trade zones. This district is intended to allow a mix of residential unit types and densities to provide a balance of housing opportunities in a neighborhood. RMF-16 implements the *Residential Medium High and High Density*

<b>RMF-16 Summary</b>	
Primary Uses	Attached and Detached Single-Family, Duplex, Townhouse, Multifamily, Civic
Max. Density	16 units/acre
Min. Density	12 units/acre

future land use classification of the GROWTH PLAN. It may be appropriate in lower intensity areas if part of a mixed density development.

2. **Authorized Uses.** Table 3.5 lists the authorized uses in the RMF-16 District.

**Intensity/Density.** Subject to the density bonus provisions of this Code, and other development standards in this Code, the following density provisions shall apply:

- a. Maximum gross density shall not exceed sixteen (16) dwellings per acre;
- b. Minimum lot size shall be 4,000 square feet for an initial dwelling unit plus 1,500 square feet for each additional unit on the same lot;
- c. Minimum net density shall not be less than twelve (12) dwellings per acre; and
- d. Density shall also conform with the minimum and maximum densities identified in the Growth Plan.

**Performance Standards.**

- a. For purpose of calculating density on any parcel, one-half (1/2) of the land area of all adjoining rights-of-way shall not be included in the gross lot area.
- b. No right-of-way shall be counted to meet minimum lot area requirements.

**J. RMF-24: Residential Multifamily - 24**

1. **Purpose.** To provide for high density residential use. This district allows several types of residential unit types within specified densities. RMF-24 may serve as a transitional district between single family and trade zones. This district is intended to allow a mix of residential unit types and densities to provide a balance of housing opportunities in

<b>RMF-24 Summary</b>	
Primary Uses	Attached and Detached Single-Family, Duplex, Townhouse, Multifamily, Civic
Max. Density	24 units/acre
Min. Density	16 units/acre

the neighborhood. RMF-24 implements the residential *High Density* future land use classification of the GROWTH PLAN. It may be appropriate in lower intensity areas where it is part of a mixed density development.

2. **Authorized Uses.** Table 3.5 lists the authorized uses in the RMF-24 District.
3. **Intensity/Density.** Subject to the density bonus provisions of this Code, and other development standards in this Code, the following density provisions shall apply:
  - a. Maximum gross density shall not exceed twenty-four (24) dwellings per acre;
  - b. Minimum area required shall be 4,000 square feet for an initial dwelling Unit plus 1,000 square feet for each additional unit on the same lot;
  - c. Minimum net density shall not be less than sixteen (16) dwellings per acre; and
  - d. Density shall also conform with the minimum and maximum densities identified in the Growth Plan.
4. **Performance Standards.**
  - a. For purpose of calculating density on any parcel, one-half (1/2) of the land area of all adjoining rights-of-way shall not be included in the gross lot area.
  - b. No right-of-way shall be counted to meet minimum lot area requirements.

### 3.4 NONRESIDENTIAL ZONING DISTRICTS

#### A. RO: Residential Office

1. **Purpose.** To provide low intensity, non-retail, neighborhood service and office uses that are compatible with adjacent residential neighborhoods. Development regulations and performance standards are intended to make buildings compatible and complementary in scale and appearance to a residential environment. RO implements the medium, medium-high and high residential density and *Commercial* future land use classifications of the

RO Summary	
Primary Uses	Professional Offices, Attached and Detached Single Family, Duplex, Townhouse, Multifamily, Civic
Max. Intensity	0.4 FAR, 16 units/acre
Max. Bldg. Size	10,000 sq. ft.
Min. Density	4 units/acre

GROWTH PLAN in transitional corridors between single-family residential and more intensive uses.

2. **Authorized Uses.** Table 3.5 lists the authorized uses in the RO District.
3. **Intensity/Density.** Subject to the density bonus provisions of this Code, and other development standards in this Code, the following density provisions shall apply:
  - a. Maximum gross density shall not exceed sixteen (16) dwellings per acre;
  - b. Minimum lot size shall be 5,000 square feet for all nonresidential uses and for an initial dwelling unit plus 1,500 square feet for each additional dwelling on the same lot;
  - c. Nonresidential intensity shall not exceed a floor area ratio (FAR) of 0.4;
  - d. Maximum building size shall not exceed 10,000 square feet, unless a conditional use permit is issued.
  - e. Minimum net density shall not be less than four (4) dwellings per acre if the property is developed exclusively for residential use. Minimum density does not apply to mixed use properties.
4. **Performance Standards.** New construction, including additions and rehabilitations, in the RO district shall be designed to look residential and shall be consistent with existing buildings along a street. “Consistent” means the operational, site design and layout, and architectural considerations described in the next subsections.
5. **Site Design, Layout and Operational Considerations.**
  - a. **Parking.** Business uses in the RO District shall be designed and operated not to increase on-street parking in front of dwellings in the neighborhood. On-site parking shall be provided pursuant to the parking rules. On-site parking spaces shall only be located in the side and rear yards; and screened from adjacent dwellings by a solid wall, fence or vegetation having a height of not less than four feet (4') nor more than six feet (6') [vegetation may exceed six feet (6') in height].

- b. **Service Entrances.** Service entrances, loading areas and dumpster areas shall be located only in the rear or side yard. Each loading area shall be screened from each adjacent residential use or zone.
  - c. **Use of Front Yard.** Front yards shall be reserved for landscaping, sidewalks, driveway access to parking areas and signage.
  - d. **Hours of Business.** No uses in this district shall open earlier than 7:30 AM and shall close no later than 8:00 PM.
  - e. **Outdoor Storage and Display.** Outdoor storage and display areas associated with nonresidential uses are prohibited.
  - f. **Mixed Use.** Any mix of residential and nonresidential uses on the same lot shall be located in the same structure.
  - g. **Outdoor Lighting.** Outdoor lighting shall comply with the lighting provisions in this Code.
6. **Architectural Considerations.**
- a. **Building Alignment along Streets.** Every new building and addition shall be located so that it aligns with existing neighborhood buildings. “Aligns” means elevation (*e.g.*, horizontal lines of peaks of roofs, cornices, window sills) and plan (*e.g.*, setbacks from the street and rear property lines and spacing between structures/setbacks from side property lines).
  - b. **Building Orientation/Style.** Main entrances shall open onto a street and shall align with those of adjacent residential buildings. For example, in many RO areas, raised foundations and steps that define the main entrance are prevailing residential characteristics. Door styles shall be similar to those found on residential dwellings.

- c. **Building Mass/Scale Proportion.** Each new building, its mass in relation to open spaces and its windows, doors, and openings shall be visually compatible. Visually compatible means compatible with adjacent and neighboring buildings including mass, shape, window, doors, openings, roof shape, roof pitch and orientation. For example, a large building shall be compatible with surrounding smaller dwellings by dividing its mass into smaller components to create a building elevation that is more like the size and proportion of the nearby dwellings.
- d. **Height.** New buildings shall have the same number of stories and a height which is compatible with those of nearby dwellings. Two and one-half (2 1/2) stories shall be the maximum subject to maximum height of thirty-five feet (35').
- e. **Roof Shape.** The roofs of new buildings shall be visually compatible with nearby dwellings. Roof pitch shall be at least 4:12.
- f. **Fenestration.** Structures shall be visually compatible with surrounding residential structures. Visually compatible includes the relationship of width to height, and the spacing of windows and doors. For example, tall evenly-spaced rectangular windows are typical of certain residential styles in RO District areas.
- g. **Materials.** The exterior of all new buildings, additions and alterations shall be similar in size and appearance to nearby dwellings. Sign materials should be visually compatible to materials used on the building facade.
- h. **Signage.** See Section 4.2.G.1.d for sign standards in the RO District.

**B. B-1: Neighborhood Business**

1. **Purpose.** To provide small areas for office and professional services combined with limited retail uses, designed in scale with surrounding residential uses; a balance of residential and nonresidential uses. B-1 implements the residential high density and *commercial* future land use classifications of the GROWTH PLAN.

<b>B-1 Summary</b>	
Primary Uses	Offices, Retail, Services
Max. Intensity	0.5 FAR, 16 units/acre
Max. Bldg. Size	30,000 sq. ft. for office 15,000 sq. ft. for retail
Min. Density	8 units/acre

2. **Authorized Uses.** Table 3.5 lists the authorized uses in the B-1 District.

3. **Intensity/Density.** Subject to the density bonus provisions of this Code and other development standards in this Code, the following intensity and density provisions shall apply:

- a. Minimum lot size shall be 10,000 square feet, except where a continuous commercial center is subdivided with pad sites or other shared facilities;
- b. Nonresidential intensity shall not exceed a floor area ratio (FAR) of 0.5;
- c. Unless a CUP is approved the maximum building size shall not exceed 30,000 square feet for office or any mixed uses, and 15,000 square feet for retail;
- d. Maximum gross density shall not exceed sixteen (16) dwellings per acre, excluding retail and office; and,
- e. Minimum net density shall not be less than eight (8) dwellings per acre if the only uses are residential.

4. **Street Design.** Effective and efficient street design and access shall be considerations in the determination of project/district intensity.

5. **Performance Standards.**

- a. **Location.** B-1 Zones are to be limited to the intersection of any arterial or collector street with another collector or arterial street; however, existing retail and office uses which form an existing center as of the effective date of this Code are allowed as B-1.
- b. **Parking.** Business uses shall be designed and operated so as not to increase on-street parking in front of neighborhood dwellings. On-site parking shall be provided.
- c. **Hours of Business.** No use in this district shall open or accept deliveries earlier than 5:00 AM nor close later than 11:00 PM. "Close" includes no customers on-site, no deliveries and no illumination of signs.
- d. **Service Entrances.** Business service entrances, service yards and loading areas shall be located only in the rear or side yard.
- e. **Mixed Use.** Any mix of residential and nonresidential uses on one (1) lot or parcel shall be located in the same structure.

- f. **Outdoor Storage and Display.** Outdoor storage and permanent displays are prohibited. Portable display of retail merchandise may be permitted as elsewhere provided in this Code.
- g. **Rezone Application.** For the purpose of a rezone application to a B-1 district, the Planning Commission should consider the distance from other commercial and business zoning. New B-1 districts should be located at least eight-tenths (8/10<sup>th</sup>) of a mile from another business or commercial zone district.

**C. B-2: Downtown Business**

1. **Purpose.** To provide concentrated downtown retail, service, office and mixed uses not including major/regional shopping centers or large outdoor sales areas. The B-2 District promotes the vitality of the Downtown Commercial Core Area as provided by the GROWTH PLAN. Thus, pedestrian circulation is encouraged as are common parking areas. This district implements the *commercial* future land use classification of the GROWTH PLAN.
2. **Authorized Uses.** Table 3.5 lists the authorized Uses in the B-2 District.
3. **Intensity/Density.** Subject to the density bonus provisions of this Code, and other development standards in this Code, the following Intensity/Density provisions shall apply:
  - a. Maximum gross density shall not exceed twenty-four (24) dwellings per acre;
  - b. Nonresidential intensity shall not exceed a floor area ratio (FAR) of 4.0; and
  - c. Minimum net density shall not be less than eight (8) dwellings per acre if the only uses are residential. Minimum density shall not apply to mixed use developments.
4. **Street Design.** Effective and efficient street design and access shall be considerations in the determination of project/district intensity.
5. **Performance Standards.**
  - a. **Landscaping.** Landscaping requirements may be waived by the Director for any property fronting on Main Street, Colorado Avenue or Rood Avenue between 1<sup>st</sup> Street and 7<sup>th</sup> Street if street-scaping exists or will be provided in the right-of-way.
  - b. **Service Entrances.** Service entrances, service yards and loading areas shall be located only in the rear or side yard. In a B-2 District a six-foot high solid fence or wall of stone, wood or masonry shall screen: each service yard or area from adjoining single family residential zones and uses which are not separated by a street (not counting an alley or any easement).

<b>B-2 Summary</b>	
Primary Uses	Offices, Retail, Civic, Government, Services, Residential
Max. Intensity	4.0 FAR, 24 units/acre
Min. Density	8 units/acre

- c. **Mixed Use.** Mixed Use projects shall not exceed eight (8) dwelling units per acre.
- d. **Outdoor Storage and Display.** Outdoor storage and permanent display areas shall only be allowed in the rear half of the lot, beside or behind the principal structure, except for automotive display lots, which shall require approval of a Conditional Use Permit. Portable display of retail merchandise may be permitted subject to this Code.

**D. C-1: Light Commercial**

1. **Purpose.** To provide indoor retail, service and office Uses requiring direct or indirect arterial street access, and business and commercial development along arterials. The C-1 District should accommodate well-designed development on sites that provide excellent transportation access, make the most efficient use of existing infrastructure and provide for orderly transitions and buffers between uses. This District implements the *commercial* future land use classification of the GROWTH PLAN.

2. **Authorized Uses.** Table 3.5 lists the authorized uses in the C-1 District.

3. **Intensity/Density.** Subject to the density provision of this Code, and other development standards in this Code, the following Intensity/Density provisions shall apply:

- a. Nonresidential intensity shall not exceed a floor area ratio (FAR) of 1.0;
- b. Minimum lot size shall be 0.5 acre, except where a continuous commercial center is subdivided, with pad sites or other shared facilities;
- c. Maximum building size shall not exceed 80,000 square feet, without a conditional use permit;
- d. Maximum gross density shall not exceed twenty-four (24) dwellings per acre; and
- e. Minimum net density shall not be less than twelve (12) dwellings per acre if the only use is residential, except in a manufactured home park.

4. **Street Design.** Effective and efficient street design and access shall be considerations in the determination of project/district intensity.

5. **Performance Standards.**

- a. **Service Entrances.** Building entrances to service yard and loading areas shall be located only in the rear and side yard.
- b. **Outdoor Storage and Display.** Outdoor storage and permanent display areas shall only be allowed in the rear half of the lot, beside or behind the principal structure, except for automobile sales lots for which a CUP has been issued. Portable display of retail merchandise may be permitted subject to this Code.

**C-1 Summary**

Primary Uses	Offices, Retail, Services
Max. Intensity	1.0 FAR/ 24 units /acre
Max. Bldg. Size	80,000 sq. ft.
Min. Density	12 units/acre

**E. C-2: General Commercial**

1. **Purpose.** To provide for commercial activities such as repair shops, wholesale businesses, warehousing and retail sales with limited outdoor display of goods and even more limited outdoor operations. The C-2 District is appropriate in locations designated for the *commercial or commercial/industrial* future land use classifications in the GROWTH PLAN.

<b>C-2 Summary</b>	
Primary Uses	General Retail & Services
Max. Intensity	2.0 FAR
Max. Bldg. Size	150,000 sq. ft.

2. **Authorized Uses.** Table 3.5 lists the authorized uses in the C-2 District.
3. **Intensity.** Subject to the development standards in this Code, the following intensity provisions shall apply:
  - a. Nonresidential intensity shall not exceed a floor area ratio (FAR) of 2.0;
  - b. Minimum lot size shall be 0.5 acre, except where a continuous commercial center is subdivided, with pad sites or other shared facilities;
  - c. Maximum building size shall be 150,000 square feet, unless a Conditional Use Permit is issued.
4. **Street Design.** Effective and efficient street design and access shall be considerations in the determination of project/district intensity.
5. **Performance Standards.**
  - a. **Rezone.** Rezoning to C-2 shall not be permitted adjacent to any residential single family zone.
  - b. **Outdoor Storage and Display.** Outdoor storage and display areas are not allowed within the front yard setback. Permanent and portable display of retail merchandise is permitted.

**F. I-0: Industrial/Office Park**

1. **Purpose.** To provide for a mix of light manufacturing uses, office park, limited retail and service uses in a business park setting with proper screening and buffering, all compatible with adjoining uses. This District implements the *commercial/industrial* and *industrial* future land use classifications of the GROWTH PLAN.

<b>I-0 Summary</b>	
Primary Uses	Light manufacturing, office, commercial services
Max. Intensity	0.75 FAR
Max. Bldg. Size	250,000 sq. ft.

2. **Authorized Uses.** Table 3.5 lists the authorized uses in the I-O District.
3. **Intensity.** Subject to the development standards in this Code, the following intensity provisions shall apply:
- a. Nonresidential intensity shall not exceed a floor area ratio (FAR) of 0.75;
  - b. Minimum lot size shall be one (1) acre, except where a continuous commercial center is subdivided;
  - c. Maximum building size shall be 250,000 square feet, unless a conditional use permit is issued.
4. **Street Design.** Effective and efficient street design and access shall be considerations in the determination of project/district intensity.
5. **Performance Standards.**
- a. **Retail Sale Area.** Areas devoted to retail sales shall not exceed: ten percent (10%) of the gross floor area of the principal structure, and 5,000 square feet on any lot or parcel.
  - b. **Loading Docks.** Loading docks shall be located only in the side or rear yards.
  - c. **Vibration, Smoke, Odor, Noise, Glare, Wastes, Fire Hazards and Hazardous Materials.** No person shall occupy, maintain or allow any use in an I-0 District without continuously meeting the following minimum standards regarding vibration, smoke, odor, noise, glare, wastes, fire hazards and hazardous materials. Conditional use permits for uses in this district may establish higher standards and conditions.

- (1) **Vibration:** Except during construction or as authorized by the City, activity or operation which causes any perceptible vibration of the earth to an ordinary person on any other lot or parcel, shall not be permitted.
- (2) **Noise:** The owner and occupant shall regulate uses and activities on the property so that sound never exceeds sixty-five decibels (65 dB) at any point on the property line.
- (3) **Glare:** lights, spotlights, high temperature processes or otherwise, whether direct or reflected, shall not be visible from any lot, parcel or right-of-way.
- (4) **Solid and Liquid Waste:** All solid waste, debris and garbage shall be contained within a closed and screened dumpster, refuse bin and/or trash compactor(s). Incineration of trash or garbage is prohibited. No sewage or liquid wastes shall be discharged or spilled on the property.
- (5) **Hazardous Materials:** Information and materials to be used or located on the site whether on a full-time or part-time basis, that are required by the SARA Title III Community Right to Know shall be provided at the time of any City review, including site plan. Information regarding the activity or at the time of any change of use or expansion, even for existing uses, shall be provided to the Director.
- (6) **Outdoor Storage and Display.** Outdoor storage and permanent display areas shall only be located in the rear half of the lot beside or behind the principal structure. Portable display of retail merchandise may be permitted as provided in Chapter Four.

**G. I-1: Light Industrial**

1. **Purpose.** To provide for areas of light fabrication, manufacturing and industrial uses which are compatible with existing adjacent land uses, access to transportation and the availability of public services and facilities. I-1 Zones with conflicts between other uses can be minimized with orderly transitions of zones and buffers between uses. This district implements the *commercial/industrial* and *industrial* future land use classifications of the GROWTH PLAN.

<b>I-1 Summary</b>	
Primary Uses	Manufacturing, office, commercial services
Max. Intensity	2.0 FAR
Max. Bldg. Size	150,000 sq. ft.

2. **Authorized Uses.** Table 3.5 lists the authorized uses in the I-1 district.
3. **Intensity.** Subject to the development standards in this Code, the following intensity provisions shall apply:
- a. Nonresidential intensity shall not exceed a floor area ratio (FAR) of 2.0;
  - b. Minimum lot size shall be one (1) acre, except where a commercial or industrial center is subdivided with pad sites or other shared facilities;
  - c. The maximum building size is 150,000 square feet, unless a conditional use permit is issued.
4. **Street Design.** Effective and efficient street design and access shall be considerations in the determination of project/district intensity.
5. **Performance Standards.** The performance standards of the I-0 district shall apply in the I-1 district, except that:
- a. Principal and accessory outdoor storage and display areas shall be permitted in accordance with Chapter Four, with the following exceptions:
    - (1) Outdoor storage and displays shall not be allowed in the front yard setback;
    - (2) Screening shall be maintained in the frontage adjacent to arterial and collector streets and along that portion of the frontage on local streets which adjoin any zone except I-1 or I-2;
    - (3) Unless required to buffer from an adjoining district, screening along all other property lines is not required;
    - (4) Screening of dumpsters is not required; and
    - (5) Outdoor storage areas may be established as a principal use without a conditional use permit.

## H. I-2: General Industrial

1. **Purpose.** To provide areas of heavy and concentrated fabrication, manufacturing and industrial uses which are compatible with adjacent uses, easy semi-tractor trailer access to the state highway system and/or railroads and the availability of public services and facilities. Conflicts between the I-2 District must be minimized with other uses by orderly transitions and buffers between Uses. This District implements the *industrial* future land use classification of the GROWTH PLAN.
2. **Authorized Uses.** Table 3.5 lists the authorized uses in the I-2 district.
3. **Intensity.** Subject to the development standards in this Code, the following intensity provisions shall apply:
  - a. Nonresidential intensity shall not exceed a floor area ratio (FAR) of 2.0; and
  - b. The minimum lot size shall be one (1) acre, except where a commercial or industrial center is subdivided.
4. **Street Design.** Effective and efficient street design and access shall be considerations in the determination of project/district intensity.
5. **Performance Standards.** The performance standards for the I-1 district shall apply in the I-2 district except that the Director may approve outdoor storage as a principle use without requiring a conditional use permit.

### I-2 Summary

Primary Uses	Manufacturing, office, commercial services
Max. Intensity	2.0 FAR

**I. CSR: Community Services and Recreation**

1. **Purpose.** To provide public and private recreational facilities, schools, fire stations, libraries, fairgrounds, and other public/institutional uses and facilities. The district would include open space areas, to prevent environmental damage to sensitive areas, and to limit development in areas where police or fire protection, protection against flooding by storm water, or other services or utilities are not readily available.

<b>CSR Summary</b>	
Primary Uses	Parks, open space, schools, libraries, recreational facilities.
Max. Intensity	FAR 1.0 for public/Institutional FAR 0.4 for recreation/conservation uses
Max. Bldg. Size	80,000 sq. ft. (except subject to a CUP)

The CSR District would include outdoor recreational facilities, educational facilities, open space corridors, recreational, non-vehicular transportation, environmental areas and would be interconnected with other parks, trails and other recreational facilities. This District implements the *parks, conservation* and *Institutional* land use classifications of the GROWTH PLAN.

2. **Authorized Uses.** Table 3.5 lists the authorized uses in the CSR district.
3. **Intensity/Density.** Subject to the development standards in this Code, the following intensity/density provisions shall apply:
  - a. Nonresidential intensity shall not exceed an FAR of 1.0 for public/institutional uses and 0.4 for recreation/conservation uses;
  - b. Minimum lot size shall be one (1) acre;
  - c. The maximum building size shall be 80,000 square feet unless a conditional use permit is issued; and
  - d. Maximum gross density shall not exceed one (1) dwelling per five (5) acres (*i.e.*, 0.2 dwellings per acre). One (1) caretaker dwelling unit per lot is not counted when calculating maximum density.
4. **Performance Standards.** Development shall conform to the standards established in this Code.
  - a. **Outdoor Storage.** Outdoor storage areas shall comply with the standards in Chapter Four, except that those associated with extractive uses, in which case no screening shall be required for an extractive use unless required by Chapters Four or Six in order to buffer from neighborhood uses or zones.

**J. M-U: Mixed Use**

1. **Purpose.** To provide for a mix of light manufacturing and office park employment centers, limited retail, service and multifamily residential uses with appropriate screening, buffering and open space and enhancement of natural features and other amenities such as trails, shared drainage facilities, and common landscape and streetscape character. This District implements the *commercial*, *commercial/industrial* and *industrial* future land use classifications of the Growth Plan, as well as serving as a transition between residential and nonresidential use areas.

M-U Summary	
Primary Uses	Employment, residential, limited retail, open space
Max. Intensity	Nonresidential: 0.50 FAR
Maximum Density	Residential: 24 units per acre
Minimum Density	Residential: 12 units per acre
Max. Bldg. Size	150,000 sq. ft. (30,000 sq. ft. for retail)

2. **Authorized Uses.** Table 3.5 lists the authorized uses in the M-U district.
3. **Intensity.** Subject to the development standards in this Code, the following intensity provisions shall apply:
  - a. Nonresidential intensity shall not exceed a floor area ratio (FAR) of 0.50;
  - b. Nonresidential minimum lot size shall be one (1) acre, except where a continuous commercial center is subdivided;
  - c. Maximum building size for all non-retail uses shall be 150,000 square feet unless a Conditional Use Permit is issued. Maximum building size for retail shall be 30,000 square feet;
  - d. Maximum gross residential density shall not exceed twenty-four (24) units per acre;
  - e. Minimum net residential density shall be twelve (12) units per acre.
  - f. Development parcels and/or projects containing greater than five (5) acres shall have a minimum of twenty percent (20%) of the gross land area in residential development. The required twenty percent (20%) may be transferred between parcels in the Mixed Use Zone District that are being planned at the same time.
4. **Performance Standards.** Development shall conform to the standards established in this Code.
  - a. Refer to any applicable overlay zone district and/or corridor design standards and guidelines.
  - b. **Loading/Service Areas.** Loading docks and trash or other service areas shall be located only in the side or rear yards.
  - c. **Vibration, Smoke, Odor, Noise, Glare, Wastes, Fire Hazards and Hazardous Materials.** No person shall occupy, maintain or allow any use in an M-U District without continuously meeting the following minimum standards regarding vibration, smoke, odor, noise, glare,

wastes, fire hazards and hazardous materials. Conditional Use Permits for uses in this district may establish higher standards and conditions.

- (1) **Vibration:** Except during construction or as authorized by the City, activity or operation which causes any perceptible vibration of the earth to an ordinary person on any other lot or parcel, shall not be permitted.
  - (2) **Noise:** The owner and occupant shall regulate uses and activities on the property so that sound never exceeds sixty-five decibels (65 dB) at any point on the property line.
  - (3) **Glare:** Lights, spotlights, high temperature processes or otherwise, whether direct or reflected, shall not be visible from any lot, parcel or right-of-way.
  - (4) **Solid and Liquid Waste:** All solid waste, debris and garbage shall be contained within a closed and screened dumpster, refuse bin and/or trash compactor(s). Incineration of trash or garbage is prohibited. No sewage or liquid wastes shall be discharged or spilled on the property.
  - (5) **Hazardous Materials:** Information and materials to be used or located on the site whether on a full-time or part-time basis, that are required by the SARA Title III Community Right to Know shall be provided at the time of any City review, including the site plan. Information regarding the activity or at the time of any change of use or expansion, even for existing uses, shall be provided to the Director.
  - (6) **Outdoor Storage and Display:** Outdoor storage and permanent display areas shall only be located in the rear half of the lot beside or behind the principal structure. Portable display of retail merchandise may be permitted as provided in Chapter Four.
5. Performance and development standards for residential uses shall be derived from the underlying multifamily zone district, as defined in Chapter Three of this Code.
- a. The following standards shall apply to the required residential component.
    - (1) Final plans for the required residential component must be submitted and approved with the overall project.
    - (2) The required residential component must be built with the overall project, in accordance with the approved development schedule.
    - (3) Residential units may be built as part of any retail/commercial structure.
    - (4) The conditions of approval and development schedule shall be recorded against the title to all portions of the property, including each nonresidential component, requiring that the required residential component be built within the approved development schedule. The City may enforce conditions of approval and the

development schedule against the owners of any portion of the overall project jointly and separately.

### 3.5 USE/ZONE MATRIX

A. **Principal Uses.** The only uses allowed in any zone or district are those listed in Table 3.5. The use categories listed in the first column of Table 3.5 are described in Chapter Nine. The second column of the use matrix contains an abbreviated definition of the uses. In some cases, use-specific standards are referred to in the last column of the Table. These uses are permitted subject to particular requirements listed under each zone or district.

1. **Allowed Uses.** An "**A**" indicates that the listed use is allowed by-right within the respective zoning district without the need for a public hearing. If compliance with all City, state and federal requirements are fully met, the Director may allow development, construction and/or use. The text for each zone, the balance of this Code, applicable state and other City regulations and federal requirements supplement Table 3.5 and control if inconsistent or ambiguous. See the maximum building size indicated for each zone district. No person shall begin any use without a written approval of the Director.
2. **Conditional Uses.** A "**C**" indicates that the listed use is allowed within the respective zoning district only after review and approval of a conditional use permit, in accordance with the review procedures of Chapter Two. Conditional uses are subject to all other applicable standards of this Code.
3. **Prohibited Uses.** A blank space indicates that the listed use is not allowed within the district, unless otherwise expressly allowed by another provision of this Code.



**Table 3.5 Use/Zone Matrix**

Use Category-Definition. See Chapter Nine for complete description.	Specific Use Type	URBAN RESIDENTIAL												NONRESIDENTIAL										Use-Specific Standard
		RSE-1A	RSE-1B	RSE-1	RSE-2	RSE-3	RSE-4	RSE-5	RSE-6	RSE-12	RSE-16	RSE-24	RQ	B-1	B-2	C-1	C-2	IQ	I-1	I-2	CSRD	MU		
<b>Hospital/Clinic</b> - uses providing medical treatment or surgical care to patients.	Community Corrections Facility Law Enforcement Rehabilitation Centers																							
	Medical and Dental Clinics																							
	Counseling Centers (nonresident)																							
	Hospital/Mental Hospital																							
	Physical and Mental Rehabilitation (residents)																							
<b>Parks and Open Space</b> - natural areas consisting mostly of vegetative landscaping or outdoor recreation, community gardens, etc.	All Other																							
	Cemetery	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	
	Golf Course	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	
	Campground, Primitive	C																						
	Golf Driving Ranges	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	
	Parks, Lakes, Reservoirs	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	
<b>Religious Assembly</b> - meeting area for religious activities.	All Other																							
	All	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	43.F	
<b>Funeral Homes/Mortuaries/Crematories</b>	All											C	C	C	C	C	A	A					C	
<b>Safety Services</b> - public safety and emergency response services	All	C	C	C	C	C	C	C	C	C	C	C	C	C	C	A	A	A	A	A	A	A	A	
<b>Schools</b> - schools at the primary, elementary, middle, junior high or high school level.	Boarding Schools	C	C	C	C	C	C	C	C	C	C	A	A	C	C	C	C	C					C	
	Elementary Schools	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	
	Secondary Schools	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	C	
<b>Utility, Basic</b> - infrastructure services that need to be located in or near the area where the service is provided.	Utility Service Facilities (underground)	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	
	All Other Utility, Basic	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	
<b>Utility, Corridors</b> - passageways for bulk transmitting or transporting of electricity, gas, oil, communication signals, or other similar services.	Transmission Lines (above ground)	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	
	Transmission Lines (under ground)	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	
	Utility Treatment, Production or Service Facility																							
<b>COMMERCIAL</b>	All Other	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	
	All Other	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	
<b>Entertainment Event, Major</b> - activities and structures that draw large numbers of people to specific events or shows.	Indoor Facilities	C														C	C	C	C			C	C	
	Outdoor Facilities	C															C	C	C	C			C	
<b>Lodging</b> - hotels, motels and similar establishments.	Hotels & Motels														A	A	A	C					C	
	Bed and Breakfast (1-3 guest rooms)	A	A	A	A	A	A	A	A	A	A	A	A	A	A	C	C	C					C	

**Table 3.5 Use/Zone Matrix**

Use Category-Definition. See Chapter Nine for complete description.	Specific Use Type	URBAN RESIDENTIAL										NONRESIDENTIAL								Use-Specific Standard				
		RSE-2	RSE-3	RSE-4	RSE-5	RSE-6	RSE-7	RSE-8	RSE-9	RSE-10	RSE-11	RSE-12	RQ	B-1	B-2	C-1	C-2	IQ	I-1		I-2	CSH	M/U	
<b>Office</b> - activities conducted in an office setting and generally focusing on business, government, professional, or financial services.	Bed and Breakfast (4 to 6 guest rooms)	C	C	C	C	C	C	C	C	C	C	A	A	A	A	A	A	C				C	43H	
	General Offices												A	A	A	A	A	C				A	A	
	Office with Drive-Through												C	C	C	C	A	C	C			A	C	
<b>Parking, Commercial</b> - parking that is not necessary to serve a specific use and for which fees may be charged.	All											C	C	A	A	A	A	A	A	A	A	C		
<b>Recreation and Entertainment, Outdoor</b> - large, generally commercial uses that provide continuous recreation or entertainment-oriented activities	Campgrounds and Camps (non-primitive)	C													A	A					C	43E		
	Resort Cabins and Lodges	C																				C		
	Swimming Pools, Community	C	C	C	C	C	D	C	A	A	A	A	A	A	A	A	C				A	A		
	Shooting Ranges, Outdoor																	C				C		
	Amusement Park														C	C						C	C	
	Drive-In Theater														C	C						C	C	
	Miniature Golf														A	C						A	C	
	Riding Academy, Roping or Equestrian Area	C	C														C	C				C		
	Zoo																C	C				C	C	
	All Other Outdoor Recreation	C														C	C				C	C	C	
	<b>Recreation and Entertainment, Indoor</b> - large, generally commercial uses that provide indoor recreation or entertainment oriented activities including health clubs, movie theaters, skating rinks, arcades.	Health Club											C	C	A	A	A	A	C			A	A	
Movie Theater												C	A	A	A	A	C					A	C	
Skating Rink												C	A	A	A	A	C					A	C	
Arcade												C	A	A	A	A	C					A	C	
Shooting Ranges, Indoor														C	C			C	C			C	C	
All Other Indoor Recreation														C	A	A	A	C				A	C	
<b>Retail Sales and Service</b> - firms involved in the sale, lease or rental of new or used products to the general public. They may also provide personal services or entertainment, or provide product repair or services for consumer & business goods	Adult Entertainment															A	A					43B		
	Alcohol Sales, retail												A	A	A	A	C	C				C		
	Bar/Nightclub												C	C	C	C	C					C		
	Animal Care/Boarding/Sales, Indoor	A													A	A	A	C	A					
	Animal Care/Boarding/Sales, Outdoor	C														C	C	C	A					
	Contractors and Trade Shops, Indoor operations and storage													C	A	A	C	A	A			A		
	Contractors and Trade Shops, Indoor operations and outdoor storage (including heavy vehicles)														C	A	C	A	A			C		
	Contractors and Trade Shops, Outdoor storage and operations																	C	A	A				

**Table 3.5 Use/Zone Matrix**

Use Category-Definition. See Chapter Nine for complete description.	Specific Use Type	URBAN RESIDENTIAL										NONRESIDENTIAL										Use-Specific Standard		
		RSE-1A	RSE-1B	RSE-1	RSE-2	RSE-3	RSE-4	RSE-5	RSE-6	RSE-12	RSE-16	RSE-24	RQ	B-1	B-2	C-1	C-2	IQ	I-1	I-2	CSH		MU	
	Delivery and Dispatch Services (Vehicles on-site)																							
	Drive-through Uses (Restaurants, Retail)														C	C	C	C	C	C				
	Food Service, Catering														A	A	A	A	A	A				A
	Food Service, Restaurant (including alcohol sales)														A	A	A	A	C	C			A	C
	Farm Implement/Equipment Sales/Service																A	A	C	A	A			
	Farmer's Market/Flea Market															A	A	A					C	43.C
	Fuel Store															A	A		A	A				
	Fuel Sales, automotive/appliance														A	A		A	C	A	A			
	Fuel Sales, Heavy vehicle																	C	C	A	A			
	General Retail Sales, Indoor operations, display and storage														A	A	A	A	C	C				C
	General Retail Sales, Outdoor operations, display or storage																C	C	A		C			
	Landscaping Materials Sale/Greenhouse/Nursery	C	C	C	C	C	C	C	C	C	C	C	C	C	C	A	A	A	A	A	C	C		
	Manufactured Building Sales and Service																		A	A				
	Produce Stands <sup>2</sup>	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A
	<b>Retail Sales and Service, continued</b>																							
Rental Service, Indoor display/storage															A	A	A	A	A				A	
Rental Service, Outdoor display/storage																A	A	A	A				A	
Repair, small appliance													A	A	A	A	A	A	A				A	
Repair, large appliance															A	A	A	A	C				A	
Personal Services													A	A	A	A	A	C					A	
All Other Retail Sales and Service														A	A	A	A	C					C	
<b>Self-Service Storage</b> - uses providing separate storage areas for individual or business uses																								
Mini-Warehouse											C	C			C	A	A	C	A	A		C	43.G	
<b>Vehicle Repair</b> - repairs service to passenger vehicles, light and medium trucks and other consumer motor vehicles																A	A	C	A	A				
Auto and Light Truck Mechanical Repair																A	A	C	A	A				
Body Shop																C	A	C	A	A				
Truck Stop/Travel Plaza																C	A	C	A	A				
Tire Recapping and Storage																	A	A	A					
All Other Vehicle Repair																	C	C	A	A				
<b>Vehicle Service, Limited</b> - direct														C	A	A	A	C	A	A			C	



**Table 3.5 Use/Zone Matrix**

Use Category-Definition. See Chapter Nine for complete description.	Specific Use Type	URBAN RESIDENTIAL										NONRESIDENTIAL										Use-Specific Standard
		RSE-A	RSE-B	RSE-1	RSE-2	RSE-3	RSE-4	RSE-5	RSE-6	RSE-12	RSE-16	RSE-20	RQ	B-1	C-1	C-2	IQ	I-1	I-2	CSH	M.U.	
<b>OTHER</b>																						
<b>Agricultural</b>	Animal Confinement																					
	Dairy	C																				
	Confined Animal Feeding Operation, Feedlot																					
	Forestry, Commercial	A																				
	Pasture, Commercial	A	A	A	A													A	A			
	Winery	C															C	C	C	C	C	C
	All Other Agriculture	A	A	A	A																	
<b>Aviation or Surface Passenger Terminal</b> - facilities for the landing and take-off of flying vehicles or stations for ground-based vehicles, including loading and unloading areas	Airports/Heliports																					
	Bus/Commuter Stops	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	
	Bus/Railroad Depot																					
	Helipads																C	C	C	C	C	C
	All Other Aviation or Surface Passenger Terminal																	C	C	C	C	C
<b>Mining</b> - mining or extraction of mineral or aggregate resources from the ground for off-site use	Oil or Gas Drilling	C																				
	Sand or Gravel Extraction or Processing	C															C	C	C	C		43K
	All Other Mining	C																				
<b>Telecommunications Facilities</b> - devices and supporting elements necessary to produce nonionizing electromagnetic radiation operating to produce a signal	Telecommunications Facilities & Support Structures	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	43R

<sup>1</sup> Only allowed as part of a mixed use development.  
<sup>2</sup> Produce stands are allowed in residential zone districts only for products produced on the premises provided no hazards are created with parking, ingress, egress and signage and the operation does not disrupt the peace, quiet and dignity of the neighborhood. Produce stands in non-residential zone districts may include products produced off-premise and require a Temporary Use Permit.  
<sup>3</sup> In some zone districts, lots originally platted and zoned for detached dwellings require a Conditional Use Permit for attached units. See Section 3.3.

### 3.6 EXPLANATION OF USES

- A. **Uses Not Mentioned.** No building permit shall be issued for a use not specifically mentioned or described by category in Table 3.5.
1. **Interpretation.** If a question or interpretation arises regarding the matrix in Table 3.5, the Director shall decide if a use not mentioned can reasonably be interpreted to fit into a Use Category where similar uses are described. The Director may ask the Planning Commission at a regularly scheduled meeting to ratify his decision.
- B. **Density/Intensity.**
1. **Definitions.** The following definitions shall apply to all maximum and minimum density calculations for zoning and land use classifications, unless otherwise indicated.
  2. **Maximum Residential Density.** Maximum residential density means the number calculated by dividing the total number of dwelling units or residential lots, by the gross acreage expressed in square feet or acres of the development property. Gross land area includes the entire parcel or property at the time a Development Application is filed. The “gross residential Density” is calculated the same as maximum residential density.
  3. **Minimum Residential Density.** This calculation shall apply to the term “net minimum residential density” as used in this Code. Minimum residential density means the number calculated by dividing the total number of dwelling units or residential lots by the net developable land area of the development parcel. “Net developable land area” means all portions of the parcel at the time a development application is filed, minus the following if they are to be left as open space:
    - a. Floodways and Floodplains;
    - b. As defined by the Clean Water Act: wetlands, surface waters, stream and river channels, banks and corridors;
    - c. Slopes of greater than thirty percent (30%) or other areas of unstable soils that are not suitable for development;
    - d. Clear Zones and Critical Zones;
    - e. Open Space or recreation areas to be dedicated to a public agency or to a private entity approved by the Director to perpetually maintain the open space;
    - f. Ridgeline setback areas in excess of any required setbacks;
    - g. Severely constrained and/or unsuitable for development areas identified through a site analysis performed in accordance with Chapter Six; and
    - h. Other areas that, in the opinion of the body reviewing the development, are similarly unsuitable for development.
  4. **Transitional Densities.** Larger lots or other screening and buffering areas that are provided as a transition for adjoining established neighborhoods may be excluded from the density calculations for purposes of determining minimum density on those parcels that are not large enough to accommodate the transition and meet minimum density.

5. **Other Residential Density.** Density of group living facilities, such as assisted care with congregate dining, shall be calculated as two (2) beds equal one (1) dwelling unit.
6. **Nonresidential Intensity.** The floor area ratio (FAR) for nonresidential intensity means the number calculated by dividing the gross floor area of all structures divided by the gross land area of the development parcel. "Gross floor area" means the sum of the area of each floor of the structure including mezzanines, penthouses, corridors, lobbies, stores, offices, *etc.*, that are enclosed. Included are all stories and areas that have floor surfaces and clear standing headroom of six feet-six inches (6'6"), regardless of use. Excluded are basements that are not habitable, carports, open porches, open breezeways, screened-in porches, or garages with ten (10) parking spaces or less. Half of the gross floor area of garages with more than ten (10) parking spaces shall be counted. The FAR shall be calculated to the nearest one hundredth (.01).
7. **Application of Density/Intensity Definitions.** The maximum and minimum residential density or nonresidential intensity requirements apply to all development except:
  - a. Those that are granted a density bonus (Section 3.6.C);
  - b. The density of development of ten (10) acres or less may be one-half (1/2) of the otherwise required minimum density;
  - c. Minimum density requirements shall not apply to a simple subdivision if one (1) or more lots can reasonably be resubdivided or developed in a manner that complies with the minimum density and other requirements of this Code;
  - d. There shall be no minimum density requirement applicable to a major subdivision if all but two (2) of the resulting lots comply with the minimum density requirements and at least one (1) of the two (2) lots that do not comply can reasonably be resubdivided or developed in a manner that complies with the minimum density and other requirements of this Code and no other development is allowed;
  - e. A mix of residential and nonresidential uses; and
  - f. If the minimum or maximum density requirements of the zone conflict with the minimum or maximum residential density requirements of the growth plan land use classification see Section 3.6.B.8.
8. **Mixed Use Density/Intensity.** The density of a lot with a mix of residential and nonresidential uses ("mixed use").
  - a. **Mixed-Use Lot.** The density of a mixed-use lot shall be calculated by dividing the total number of dwellings on the lot by the gross land area of the lot. The gross residential density of the lot shall be the maximum density permitted in the underlying zoning district, provided the maximum FAR of the lot is not exceeded. The FAR of a mixed-use lot shall include all residential and nonresidential floor area and shall not exceed the maximum FAR permitted. There is no minimum density requirement for a mixed-use lot, if at least ten percent (10%) of the gross floor area is used for nonresidential purposes.

- b. **Mixed-Use Subdivision.** In a mixed-use subdivision, the density and FAR shall be calculated for each lot, unless provided otherwise at the time of subdivision approval.
- 9. **Zone Density Conflicts with Growth Plan.** If the minimum and/or maximum residential density requirements of the zone conflicts with the growth plan land use classification for the property, the Director shall determine the density limit(s) guided by:
  - a. Minimum density shall be no lower than eighty percent (80%) of the minimum residential density established by the Growth Plan.
  - b. Maximum density shall be no higher than one hundred twenty percent (120%) of the maximum residential density established by the Growth Plan.
- 10. **Density Bonus Provisions.**
  - a. An applicant may be granted a density bonus by providing any of the community benefits listed in Table 3.6. The total density bonus thus shall not exceed one hundred twenty percent (120%) of the maximum gross density of the underlying zone district or of the future land classification for the parcel in the adopted GROWTH PLAN.
  - b. Bulk requirements shall be those for the zone that best fits the resulting lot size.

**Table 3.6  
DENSITY BONUS PROVISIONS**

<b>COMMUNITY BENEFIT</b>	<b>CRITERIA</b>	<b>DENSITY BONUS</b> <i>(total bonus not to exceed 20% of planned maximum Density.)</i>
Public Park Dedication	Dedication must satisfy park land design criteria. No credit for land or fees required to be dedicated pursuant to another requirement.	For each whole acre that satisfies the park land design criteria, a Density bonus equal to the maximum Density that would have been allowed on the acreage dedicated may be granted. (See example below)
Open Space Dedication	Applicant must provide for perpetual maintenance of Open Space. Area must exceed one (1) acre and comply with Open Space design criteria to receive bonus credit. No credit shall be granted for Open Space required by some other City requirement.	For each whole acre in excess of one (1) acre dedicated for Open Space, a Density bonus equal to one-half (1/2) of the units that would have been permitted on the land to be dedicated may be granted. To calculate the number of permitted units, all provisions of this code: severely constrained lands, such as those with wetlands, steep slopes or surface waters, would likely be permitted few, if any, units. Dedication of such lands would result in a small bonus.
Dedicated Off-Street Trail	Off-street trail must connect to existing or planned trail adopted in the Urban Trails Plan and be constructed to City standards. No credit for trail dedications required by some other City trail requirements.	For each 100 linear feet of improved hard surface trail provided through the proposed development, a Density bonus of one (1) unit may be granted.
Housing Units 1. Very Low Income 2. Low Income 3. Moderate Income	Monthly rent must be restricted in accordance with HUD or City Housing Authority standards if one is adopted. Restriction documentation must be approved by the City Attorney.	<ol style="list-style-type: none"> <li>1. One (1) bonus unit per restricted unit.</li> <li>2. One (1) bonus unit per two (2) restricted units</li> <li>3. One (1) bonus unit per four (4) restricted units</li> </ol>
Agricultural Preservation	Documents limiting Development of Agricultural land must be transferred through a mechanism approved by the City Attorney.	One (1) unit for each unit of Development potential transferred. Credit is based on allowable Density (e.g., if allowed Density on donor site is one (1) unit per five (5) acres, then one (1) unit may be transferred for every (5) acres dedicated or deeded.
<p><b>Table 3.6 Example:</b> A 10-acre tract is zoned for a maximum of four (4) dwelling units per acre. The owner dedicates two (2) acres for a Neighborhood park. In addition to paying a required park dedication fee, he gets bonus units equal to the maximum density permitted on the dedicated land [two (2) acres multiplied by four (4) units per acre equals eight (8) bonus units]. The applicant may build forty-eight (48) units rather than the forty (40) units otherwise allowed.</p>		

### 3.7 ZONING MAP

- A. **Establishment.** The boundaries of zones established by this Code shall be shown on map(s) entitled Zoning Map(s) of the City of Grand Junction. Such maps are, by this reference, made a part of this Code.
- B. **Boundaries.**
  - 1. **Zone Boundaries.** Usually zone 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.
  - 2. **Zoning Standards.** 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.
  - 3. **Location and Maintenance.** The official zoning map(s) shall be located in, and maintained by, the Department of Community Development. All amendments to the zoning map(s) made in accordance with the requirements of this Code shall be shown on the maps.
  - 4. **District Boundary Disputes.** Disputes concerning the exact location of any zone district boundary line shall be decided in accordance with Chapter Two.

### 3.8 NONCONFORMING USES/STRUCTURES/SITES

- A. **Nonconforming Uses.**
  - 1. **Continuation.** A lawful use made nonconforming by the adoption of this Code or other City ordinances may continue only for so long as such use is not expanded, increased or changed, as provided herein.
  - 2. **Nonresidential Uses.**
    - a. **Expansion.** In a nonresidential zone, an existing structure may be expanded up to twenty percent (20%) of the gross floor area. An outdoor operations/storage area may be expanded by up to twenty percent (20%) and permitted in any continuous five-year period, provided all other provisions of this Code are met. Any nonresidential use shall not be expanded in any residential zoning district.
    - b. **Change of Use.** No use shall be changed to a conforming use until the Director has determined that the requirements of the zone will be met. No other change to a nonconforming use is allowed, even if to a less intensive use.
    - c. **Abandonment.** A nonconforming use that has been discontinued for any twelve (12) month period for whatever reason shall be considered to be abandoned and shall not be reestablished. Any use on the property shall thereafter conform with all provisions of this Code. Evidence of intent to abandon is not required.

- d. **Destruction.** A nonconforming use that is damaged may be rebuilt in accordance with the following:
    - (1) A nonconforming structure or improvement damaged to less than fifty percent (50%) of its fair market value, may be rebuilt only if all portions of the structure being restored are wholly within the lot line; all restorative and other work is within adopted building codes; a building permit is issued within one (1) year from the date of the damage; and the Certificate of Occupancy (or other final inspection) is issued as provided by adopted codes.
    - (2) A nonconforming structure or improvement damaged to fifty percent (50%) or more of the fair market value, may be rebuilt only if the portion of the structure being restored is wholly within the lot lines; all restorative and other work is within adopted building codes; the structure remains within the original envelope; the structure and property are in compliance with all other regulations of this Code; a building permit is issued within one (1) year from the date of the damage; and the Certificate of Occupancy (or other final inspection) is issued as provided by adopted codes.
  - e. **Rebuilding.** All nonconforming, nonresidential structures and facilities damaged to fifty percent (50%) or more of the fair market value shall be rebuilt so as to comply with all other provisions of this Code, including, but not limited to, setbacks, building height, parking, landscaping and open space. A conditional use permit may be issued to vary a Code requirement, but in all circumstances the applicant shall demonstrate that the proposed redevelopment or building shall comply with the Code requirements to the maximum extent practical.
3. **Residential Uses.** As used in this Section, a “nonconforming residential structure” is a structure which contains more dwellings than allowed by the zone or dwelling(s) located in a nonresidential zone that does not permit residential uses.
- a. **Expansion.** In all zones, nonconforming dwellings may be expanded by the greater of either twenty percent (20%) of the gross floor area or twenty percent (20%) of the fair market value, in any continuous five-year period. In any event, an addition of up to 150 square feet shall be permitted regardless of existing dwelling size or value, if no additional dwelling units are created and all other provisions of this Code are met. Expansion of a structure which contains more than one (1) dwelling shall not include bathrooms or bedrooms and is limited to common areas only and limited to 300 square feet in any continuous five-year period.
  - b. **Abandonment.**
    - (1) A nonconforming residential structure, other than a single family dwelling, that has not been occupied for a continuous period of twelve (12) months, for whatever reason, shall be considered to be abandoned and shall not be reoccupied. Any further use on the property shall be in conformance with all applicable provisions of

this Code. Evidence of intent to abandon the nonconforming structure is not required.

(2) A nonconforming single family dwelling that has not been occupied for a continuous period of twelve (12) months or longer shall not be considered to be abandoned and may be reoccupied at any time provided the structure has not been changed, legally or illegally, to a nonresidential use or multiple-unit residential use.

(3) Removal of a nonconforming mobile home or manufactured home, not in a mobile home park, from its foundation or pad for a continuous period of twelve (12) months shall constitute abandonment of the use and placement of a new unit must comply with the provisions of this Code. Evidence of intent to abandon the nonconforming mobile home or manufactured home use is not required.

c. **Destruction.** nonconforming residential structures that are damaged may be rebuilt in accordance with the following:

(1) A structure damaged to less than fifty percent (50%) of its fair market value, based on a market appraisal performed by a certified appraiser, may be restored provided that: all portions of the structure being restored are not and were not on or over a property line; the number of dwelling units does not increase; all construction is in compliance with current construction codes, such as the Fire and Building Codes; a building permit is obtained within one (1) year from the date of the damage; and the Certificate of Occupancy (or other final inspection) is issued within two (2) years of the issuance of the building permit.

(2) A structure damaged to fifty percent (50%) or greater of its fair market value, based on a market appraisal performed by a certified appraiser, may be rebuilt to its existing density provided that: the structure was registered with the City Community Development Department in accordance with this Section 3.8.A; all portions of the structure being restored are not and were not on or over a property line; the number of dwelling units does not increase; the structure and property are in compliance with all regulations of this Code, other than density; all construction is in compliance with current construction codes, such as the Fire and Building Codes; a building permit is obtained within one (1) year from the date of the damage; and the Certificate of Occupancy (or other final inspection) is issued within two (2) years of the issuance of the building permit.

d. **Density Acceptance.** Owners who are unable to prove to the satisfaction of the Director that the density on their property was legally established may appeal to the City Council to be granted rebuilding rights under this Section 3.8.A. In deciding such appeals, the Council shall hold a public hearing and consider the following: any and all

documentation available regarding the development history of the property, both permitted and unpermitted; the number, type and disposition of Code violations and criminal infractions on the property; the length of time the current owner has had the property and whether the density or violations preceded that ownership; the degree of nonconformity of density; the number and extent of any site nonconformities; and the potential impact granting indefinite rebuilding rights would have on surrounding properties and general neighborhood. Notice of the hearing shall be provided in the same manner as required for a variance before the Zoning Board of Appeals.

- e. **Rebuilding.** All reconstructed structures damaged to fifty percent (50%) or greater of the fair market value shall comply with all provisions of this Code, other than density, including, but not limited to, setbacks, building height, parking, landscaping and open space. Although the property shall retain the right to reestablish the same number of dwelling units, changes may be required to the size and type of units and the configuration of the structures in order to meet the other Code requirements. If the property does not conform with all requirements of this Code, other than density, approval of a conditional use permit shall be required in order to vary from the requirements. In addition to complying with the Conditional Use Permit criteria, the applicant shall demonstrate that the proposed redevelopment of the property complies with the Code requirements to the maximum extent practical, given it is the intent of this Code that the property be permitted to retain its density and remain viable.

#### **B. Nonconforming Structures and Sites.**

1. **Continuation.** A lawful structure or parcel of land existing as of the effective date of this Code that is nonconforming due solely to failure to meet the bulk requirements or performance standards and criteria of the underlying zone may be used for any purposes permitted in the zone so long as the use is in conformance with the provisions of this Section.
2. **Maintenance and Restoration.** In any continuous twelve (12) month period, interior and exterior remodeling of nonconforming structures that requires a building permit shall require correction of existing on-site nonconforming parking, landscaping and screening/buffering in accordance with this Section. The cost of the remodeling shall be as shown on the approved building permit application and the current fair market value of the existing structure shall be based on a market appraisal performed by a certified appraiser at the applicant's expense or as determined by the Mesa County Assessor.
  - a. Remodeling projects that cost twenty-five percent (25%) or less of the current fair market value of the structure shall not require any correction to existing nonconforming parking, landscaping or screening/buffering other than what may be required by Fire and Building Codes.

- b. Remodeling projects that cost more than twenty-five percent (25%), but less than seventy-five percent (75%) of the current fair market value of the structure shall require a corresponding percentage increase in compliance with the parking, landscaping and screening/buffering requirements of this Code until the site achieves one hundred percent (100%) compliance. [For example, if a site has only twenty (20) of thirty (30) required parking spaces and the cost of the remodeling is thirty percent (30%) of the value of the building, then thirty percent (30%) of the required parking shall be provided, or nine (9) spaces.]
  - c. Remodeling projects that cost seventy-six percent (76%) or greater of the current fair market value of the structure shall require one hundred percent (100%) compliance with the parking, landscaping and screening/buffering requirements of this Code.
  - d. When five (5) or less additional parking spaces are needed due to a remodeling project, no additional parking shall be required.
  - e. Properties that are physically constrained from complying with these provisions shall comply to the maximum extent practicable as determined by the Director.
3. **Expansion.** In any continuous five-year period, additions to structures on nonconforming sites shall require correction of existing on-site nonconforming parking, landscaping and screening/buffering.
- a. Complete redevelopment or expansions which would result in a thirty-five percent (35%) or greater increase of the gross square footage of the existing structure(s) require the entire property to meet all of the landscaping and screening/buffering requirements of this Code. The same requirements also shall apply to the addition of new or increased areas for outdoor operations/storage/display.
  - b. Expansions which would result in less than a thirty-five percent (35%) increase of the gross square footage of the existing structure(s) shall require a corresponding percentage increase in compliance for landscaping and screening/buffering requirements of this Code until the site achieves one hundred percent (100%) compliance. The same requirements also shall apply to the addition of new or increased areas for outdoor operations/storage. [For example, if the addition is twenty-five percent (25%) of the size of the existing building and the site contains only fifty percent (50%) of the required landscaping, twenty-five percent (25%) of the required landscaping for the entire site must be provided, thereby bringing the site to seventy-five percent (75%) of the total required. Existing landscaping on the site shall be retained or replaced but shall not count toward the required percentage of new landscaping.]
  - c. Expansions that necessitate an increase in the number of parking spaces shall be required to provide one hundred percent (100%) of the required parking spaces for the use in accordance with this Code. The additional

parking area shall comply with all associated landscaping and drainage requirements of this Code.

4. **Change of Use.** Changes of use that necessitate an increase in the number of parking spaces shall be required to provide one hundred percent (100%) of the required parking spaces for the use in accordance with this Code. The additional parking area shall comply with all associated landscaping and drainage requirements of this Code.
  - a. Other nonstructural use, such as a new display, storage or operation lot, requires the entire lot or parcel meet all of the parking, landscaping and screening/buffering requirements of this Code.
5. **Destruction.** A nonconforming structure which is damaged to fifty percent (50%) or less of its fair market value, based on a market appraisal performed by a certified appraiser, may be restored within the existing footprint provided that: all portions of the structure being restored are not and were not on or over a property line; all construction is in compliance with current construction codes, such as the Fire and Building Codes; a building permit is obtained within six (6) months from the date of the damage; and the Certificate of Occupancy (or other final inspection) is issued within one (1) year of the issuance of the building permit. If damage exceeds fifty percent (50%) or more, restoration or improvement shall not be permitted unless the restoration results in a structure and site conforming to all applicable requirements of this Code.
6. **Nonconforming Lots.** 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:
  - a. The owner is able to demonstrate to the satisfaction of the Director that the parcel was lawful at the time it was created;
  - b. No reasonable alternative exists to make the nonconforming lot conforming, such as the addition of adjoining land under the property owner's control; and
  - c. The use meets all other regulations prescribed for the zone prior to occupancy or use.
- C. **Time Extensions.** The Zoning Board of Appeals may permit one (1) extension of up to twelve (12) additional months to the time periods for abandonment, obtaining a building permit and/or completing construction, provided the applicant can demonstrate circumstances out of his control have prevented a good faith attempt to reestablish or rebuild the nonconforming use and/or structure. Such circumstances may include the health of the applicant, court proceedings, failure to reach an insurance settlement, acts of God, or similar hardships.
- D. **Signs.** This Section shall not apply to nonconforming signs (see Sign Regulations Section 4.2).
- E. **Variance.** The Zoning Board of Appeals may vary the provisions of this Section. Application and processing shall be in accordance with the provisions of Section 2.16.
- F. **Evidence of Status.** Evidence of the status of a nonconforming use or site shall be supplied by the owner of the property upon request of the Director.



# **CHAPTER FOUR**

## **ACCESSORY USES, SIGN REGULATION & USE SPECIFIC STANDARDS**

### **4.1 ACCESSORY USES**

#### **A. Accessory Structure and Accessory Use Regulations:**

1. Establish and promote neighborhoods with integrity and character;
2. Provide residents with the opportunity to use their property to enhance or fulfill personal objectives so long as the use of the property is not incompatible with this Code;
3. Provide an appropriate level of flexibility for the use of nonresidential property while maintaining compatibility; and
4. Assure public services, such as streets, sewers and water facilities are available in adequate supply for the primary use of the property.

#### **B. Accessory Structures and Uses Permitted.**

1. Only those structures and/or uses that are clearly accessory are allowed.
2. Accessory structures/uses shall be constructed, maintained and conducted so as not to produce noise, vibration, concussion, dust, dirt, smoke, odors, noxious gases, fly ash, heat, glare from artificial illumination or from reflection of natural light.
3. Accessory uses/structures and buildings shall have an appearance consistent with that of the neighborhood and shall have an appearance consistent with the character of the principal structure, building or use on the property.
4. Accessory structures shall not be located in the front yard or the exterior side yard of a corner lot unless approved by conditional use permit in accordance with Section 2.13 of this Code.

#### **C. Accessory Structures, Buildings and Uses Appeals.**

1. The decision disallowing any accessory use may be appealed to the Board of Appeals pursuant to Section 2.18 of this Code.

#### **D. Accessory Structures in General.**

1. In all zones, accessory structures shall not be located in the front yard or the exterior side yard of a corner lot, except as approved by conditional use permit pursuant to Section 2.13 of this Code.

#### **E. Antennas.**

1. Telecommunications receiving or transmitting antenna are permitted subject to the following performance standards:
  - a. Ground-mounted satellite dish shall not exceed ten (10) feet in height from the grade where mounted;
  - b. Ground mounted satellite dish shall be located within the rear yard or in any side yard which does not abut a street and shall meet accessory structure setbacks;

- c. All cables and lines serving the satellite dish shall be located underground;
- d. Satellite dish larger than twenty-four (24) inches in diameter shall only be ground-mounted and the above provisions shall apply unless otherwise approved as to location or ground mounting by a conditional use permit as provided in Section 2.13 of this Code;
- e. Roof mounted antenna shall not extend more than ten (10) feet above the roof line on which mounted; and
- f. Nothing contained herein shall relieve a person from the necessity of satisfying any and all governmental licenses or permits required for operation of telecommunications equipment.

**F. Storage of Vehicles.**

- 1. Storage of recreational vehicles or commercial vehicles is governed by the following:
  - a. Recreational and commercial vehicles in residential zones shall be stored within an enclosed building, or in the rear yard, or behind the front setback line in a side yard other than the street side yard of a corner lot;
  - b. No recreational vehicle shall be used for living, sleeping or housekeeping purposes for longer than two (2) weeks total during any twelve (12)-month period when parked in any location not zoned and approved for such use. Persons shall not live, sleep or housekeep in a recreational vehicle parked on a public street or parking lot; and
  - c. Under no circumstances shall recreational or commercial vehicles be parked on a public street or public or private parking lot for more than seventy-two (72) consecutive hours.

**G. Residential Subunit/Accessory Dwelling Unit.**

- 1. Residential subunits and accessory dwelling units shall comply with the following standards:
  - a. One (1) residential subunit or accessory dwelling unit (Unit) may be allowed in conjunction with a single-family use.
  - b. The design and location of the unit shall be clearly subordinate to the principal structure.
  - c. The unit can only be located on a lot or parcel of 5,000 square feet or more.
  - d. The unit shall not be included in the zoning or land use density calculation.
  - e. Either the principal structure or the unit shall be owner-occupied.
  - f. The unit must meet all requirements of the Building and Fire Codes.
  - g. One (1) off-street parking space per unit is required, in addition to the spaces otherwise required.
  - h. The unit shall share utility meters with the principal structure.
  - i. The unit shall not be less than three hundred (300) square feet and not more than the lesser of seven hundred (700) square feet or fifty (50)

- percent of the floor area of the primary residence.
- j. The unit shall be integrated into the site by appropriate site grading, earthwork and landscaping and be harmonious with the character of the neighborhood.
  - k. A residential subunit shall be located entirely within a principal structure.
  - l. The outside appearance of the principal structure shall not be changed from that of a single-family residence.
  - m. Private entrances to residential subunits shall be located on the side or rear of the residence.
  - n. Accessory dwelling units may be attached to the principal structure or freestanding, but in no case located in front of the principal structure. If detached, the accessory unit shall be located on the rear half of the parcel.
  - o. Accessory structure setbacks can be used for detached accessory dwelling units if single story. Multiple story structures used as accessory Dwelling units must meet principal structure setbacks.
  - p. The design and construction material used in an accessory dwelling unit shall be complimentary to the principal structure.
  - q. Minor site plan review shall be required.

#### **H. Home Occupations.**

1. A home occupation is allowed as an accessory use in the zones shown in Table 4.1. A “Y” indicates that the performance standard applies in the applicable zone. No home occupation may be initiated, established or maintained in the City except in conformance with this Code home occupation standards and which:
  - a. Establish criteria for operation of home occupations in conforming residential units;
  - b. Regulate the conduct of home occupations as an accessory use in a dwelling unit;
  - c. Ensure that home occupations are reasonably compatible with adjacent and nearby residential properties and uses;
  - d. Ensure that public and private services such as streets, sewers, water and/or utility systems are not burdened by the home occupation to the extent that usage exceeds that normally associated with residential use;
  - e. Allow residents of the community to reasonably use their residences for commercial purposes under certain specified standards, conditions and criteria; and
  - f. Promote and protect the public health, safety and general welfare.







**Table 4.1 continued**

PERFORMANCE STANDARDS	RSF-R	RSF-E	RSF-1	RSF-2	RSF-4	RMF-5	RMF-8	RMF-12	RMF-16	RMF-24	RO	B or C
13. Deliveries and pickups shall be those normally associated with residential services and shall												
a. not block traffic circulation	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	
b. occur only between 8:00 AM and 8:00 PM Monday-Saturday	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	

2. Permitted home occupations shall not interfere with the peace, quiet and dignity of the neighborhood. The following examples are of uses that would be acceptable as home occupations: low volume office (insurance, realty), beauty shop, seamstress, instruction (as limited in item number 7 of Table 4.1), home-based day care, word processing and other computer applications, and door-to-door sales.
3. **Home Occupations Not Permitted.** The following, by way of example, but not limitation, would not be acceptable as home occupations in residential districts: medical/dental office (includes massage therapists, chiropractors, acupuncturists, naturopaths, etc.), motor vehicle repair or similar uses, restoration or conversion, engine repair, medical/cosmetic facilities for animals including animal care or boarding facilities, machine shop/metal working, retail sales, contractors shops, mortuaries, medical procedures, body piercing and/or painting, tattoos, any type of physical or psychotherapy, or escort services.
4. **Exempt Home Occupations.** All home occupations listed below shall not be subject to all applicable home occupation regulations and standards if all persons engaged in such activities reside on the premises and all applicable conditions are satisfied:
  - a. Artists, sculptors, composers not selling their artistic product to the public on the premises;
  - b. Craft work, such as jewelry-making and pottery with no sales permitted on the premises;
  - c. Home offices with no client visits to the home permitted; and
  - d. Telephone answering and message services.

5. **Unsafe Home Occupations.** If the Director finds that any home occupation is dangerous or unsafe, the Director shall issue an order to the dwelling owner and/or tenant of the property on which the Home occupation is being undertaken directing that the home occupation be immediately made safe, as determined by the Director, or be terminated. The property owner and/or tenant shall be responsible for taking the necessary corrective steps or measures, but in the event of a failure to do so by the owner and/or tenant, after notice and a reasonable period of time, the Director may take any and all available enforcement action to render the home occupation/dwelling/property safe. Enforcement cost shall be paid by the property owner and shall be treated as a zoning violation pursuant to Chapter Eight.
6. **Home Occupation Signage.** A nameplate not exceeding two (2) square feet containing only the name of the resident, title of the person conducting a permitted home occupation, name of building, business name and/or name of agent. The nameplate may be located anywhere on the property.

**I. Outdoor Storage and Display.**

**1. Residential Outdoor Storage.**

- a. Outdoor storage is permitted in all residential districts. Residential outdoor storage is presumed if the following or like materials are outside of a dwelling for a period of longer than forty-eight (48) consecutive hours and occupy a volume of more than one hundred fifty (150) cubic feet:
  - (1) Appliances;
  - (2) Building materials, except for periods where a valid building period is in effect for construction on the property; and
  - (3) Inoperable automobile(s), truck(s), commercial vehicle(s) and RV'(s).
- b. Junk or rubbish shall not be stored.
- c. All outdoor storage shall be located in the rear half of the lot and shall be screened.
- d. A maximum of two (2) vehicles intended for repair or restoration, also known as "junk vehicles" may be stored on a property provided all of the following conditions are satisfied:
  - (1) Vehicle(s) shall be owned by the owner or occupant of the premises upon which the vehicles are located; and
  - (2) The vehicle(s) shall be kept in an enclosed garage or under an opaque cover designed for the vehicle or otherwise screened from off-premise view.
- e. All outdoor storage shall be screened. Acceptable screening consists of any combination of fences, walls, berms and landscaping that is at least six feet (6') in height and provides a permanent, opaque, year-round screening around the entire perimeter of the outdoor storage area. Plant materials are encouraged as screening.

- f. All outdoor storage shall meet the following additional requirements, as applicable:
  - (1) All storage shall conform to the performance standards of the zone as described in Section 3.3 for residential zoning;
  - (2) Except for integral units, stored items shall not project above the screening;
  - (3) Dumpsters and refuse containers for new multifamily dwelling, commercial and industrial uses shall be enclosed in a solid, opaque enclosure constructed of brick, masonry, stucco or wood of at least six feet (6') tall; and
  - (4) Nonconforming property shall comply with Section 3.8.
- 2. **Nonresidential Outdoor Storage.** Where outdoor storage is permitted in nonresidential districts it shall be subject to the provisions of this Code. Nonresidential outdoor storage are materials stored outside of business or commercial uses for a period of longer than forty-eight (48) consecutive hours and occupying a volume of more than one hundred fifty (150) cubic feet:
  - a. Junk or rubbish is not permissible outdoor storage unless the use is a permitted junkyard/salvage yard or landfill.
  - b. If the principal use of the property is other than a legal vehicle repair operation, impound lot, junkyard/salvage yard or fleet vehicle service center; a maximum of two (2) vehicles intended for repair or restoration may be stored on a property provided all of the following conditions are satisfied:
    - 1. Vehicle(s) shall be owned by the owner or occupant of the premises upon which the vehicle(s) are located;
    - 2. The vehicle(s) shall be kept in an enclosed garage, under an opaque cover designed for the vehicle or otherwise screened from off-premise view; and
    - 3. There shall be no outdoor storage of vehicle parts.
  - c. **Existing Salvage/Recycling and Impound Lots:\*** If the principal use of the property is recycling to include car/auto recycler, end recycler (salvage yard) or wrecking yard storing inoperable vehicles, vehicle parts, dismantled machinery and associated parts, appliance recycler and impound lot and if the use was an existing legal use as of January 1, 2002, outdoor storage shall meet the following conditions.
    - 1. Storage and dismantling areas shall require screening along all street frontages and along the first fifty feet (50') of the side perimeter from the street. Sites may use opaque slats in existing chain link fences or vegetation to meet the screening requirement as long as the screening is at least six (6) feet in height. Any new fencing shall be a minimum of six (6) feet.
    - 2. If the recycler abuts a property with zoning which is not C-2, I-1 or I-2, the recycler shall also screen each perimeter that abuts such zone that

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\* Section 4.1.I.2.c.1 through 6. revised February 6, 2002 (Ordinance No. 3398)

is not C-2, I-1 or I-2. Buildings on property lines shall serve as screening.

3. No item shall be allowed to project above the screening except: integral units as defined in Chapter Nine of this Code; and stacking of no more than two vehicles on top of a wheel stand. Integral units shall include shelving up to twenty (20) feet in height for the purpose of storing recyclable parts. End recyclers are exempt from this requirement.
  4. Each owner, operator, independent contractor and employee of a recycling business, and every other person who dismantles, repairs or installs motor vehicle parts or appliances or other equipment containing any fluid, gas or liquid or other regulated substance shall, in accordance with applicable laws and rules, control, contain, collect, and dispose of all fluids, hazardous wastes, and other regulated fluids in or generated by the dismantling, shredding, baling or storage of motor vehicles, appliances, other equipment or parts, including but not limited to oils, antifreezes, CFC's, transmission fluids, diesel fuel, and gasoline.
  5. Tires shall be stored as required by the Grand Junction Code of Ordinances.
  6. A recycler shall have a five day grace period to remove items placed outside of a perimeter fence. If the City gives a notice after the fifth working day, the recycler shall remove such items within five working days.
- d. If the principal use of the property is legal auto repair as of the adoption of this Code, the vehicles intended for repair shall not be stored in any right-of-way or in required parking spaces. Areas for storage of vehicles intended for repair must be screened along any street frontage.
  - e. Unless otherwise indicated, screening of all outdoor storage shall consist of any combination of fences, slats in chain link fences, walls, berms and landscaping that is at least six (6) feet in height and provides a permanent, opaque, year-round screening on all street frontages and the first fifty feet (50) of side perimeters of the outdoor storage area. Buildings on property line shall serve as screening. Plant materials are encouraged as screening.
  - f. All nonresidential outdoor storage shall meet the following additional requirements, as applicable:
    1. All storage shall conform to the Specific Zone Performance Criteria in Section 3.4 and the use-specific requirements of that particular use;
    2. Unless otherwise indicated, no outdoor storage shall be located in a required front yard setback or in any setback adjacent to a residential or business zone;
    3. Except for integral units, stored items shall not project above the screening;
    4. Dumpsters and refuse containers for new uses in all zones except I-1 and I-2 shall be enclosed in a solid, opaque enclosure constructed of

brick, masonry, stucco or wood of at least six (6) feet tall.

Nonconforming sites shall comply with Section 3.8;

3. **Outdoor Display.** A permissible outdoor display of merchandise is a portable display taken inside at the close of each business day or a display of large commercial items (e.g., operable autos, RV's, trucks, modular homes, hot tubs) that is permanent. Retail sales areas located outdoors and generally on-grade will be considered permanent display if the area is open daily to customers for browsing. Retail displays including shelving or rack areas higher than six (6) feet, wholesale merchandise displays and other areas not accessible to the general public are considered outdoor storage and subject to the provisions of paragraph seven (7) of this Section. All permissible outdoor display areas shall comply with the following requirements, except as otherwise indicated:
  - a. All outdoor display shall conform to specific zone performance criteria in Section 3.4 and the use-specific requirements of that particular use;
  - b. No permanent outdoor display area shall be located in a required landscaped area;
  - c. Outdoor display areas shall meet all landscaping requirements, but shall not be subject to the screening requirements for storage lots;
  - d. No portion of a right-of-way shall be used for any type of display without a valid revocable permit;
  - e. For vehicle sales, not more than one (1) vehicle display pad, elevated up to six (6) feet in height as measured at the highest point, shall be permitted per one hundred (100) feet of street frontage;
  - f. Display lots shall be paved, except that only the access roads shall be required to be paved for lots displaying large merchandise, such as manufactured homes or heavy equipment.
  - g. All outdoor display shall conform to all requirements of TEDS and the applicable sight distance triangle. Regardless of any provision to the contrary, no display shall be maintained in a location if it obstructs view(s), thereby constituting a traffic or pedestrian hazard; and
  - h. Nonconforming sites shall comply with Section 3.8.
4. **Fleet Vehicles.** Unless otherwise indicated, fleet vehicle parking areas shall meet the permanent outdoor display requirements of each district. In districts where permanent outdoor display is not permitted, a maximum of four (4) fleet vehicles per use shall be permitted in areas meeting all parking lot requirements of this Code.
- J. **Fences.**
  1. Fences in all residential zones shall meet the following standards:
    - a. Except as otherwise provided in the district regulations, fences in the required front yard setback shall not exceed thirty (30) inches in height. Such fences may be increased to forty-eight (48) inches maximum height if the fencing material is at a ratio of two-thirds (2/3) open space to one-third (1/3) closed space per square foot for that part of the fence extending above the thirty (30) inch height.

- b. Fences up to six (6) feet in height are permitted within front yard setbacks along arterial or major collector roads provided they are in accordance with adopted corridor overlay zone standards, TEDS and all other engineering standards and meet the following minimum standards:
  - (1) Fences or walls four (4) feet or less in height consisting of an open design that has at least two-thirds ( $2/3$ ) open space to one-third ( $1/3$ ) closed space (e.g. picket and split rail fences), or a decorative wall, with no required landscape strip; or
  - (2) Fences or walls over four (4) feet in height with a minimum five (5) feet wide planting strip between the fence or wall and right-of-way. The landscaped strip shall contain at least one (1) tree per forty (40) feet and have adequate ground cover.
- c. Perimeter fence(s) or wall(s) and landscaping shall be adequately maintained. Provisions for adequate maintenance shall be proposed with the development.
- d. The Director shall review fences proposed under this paragraph in accordance with conditional use criteria. All fences shall meet all TEDS requirements.
- e. On corner lots, that part of a backyard fence that extends to and along the side property line on the street side may be six (6) feet high, but are subject to the provisions of TEDS and other engineering standards.
- f. On that part of the lot other than the required front yard setback area, fences may be erected to six (6) feet in height. Fences within a required principal structure setback exceeding six (6) feet in height require a conditional use permit (see Section 2.13). Fences meeting principal structure setbacks shall not exceed eight (8) feet in height without a conditional use permit.
- g. The height of fences shall be determined by measurement from the ground level upon which the fence is located. Grade shall not be altered for the sole purpose of increasing fence height. An increase of up to two (2) inches in height shall be allowed when spacing for drainage under the fence is needed.
- h. The height and location requirements of this section may be modified as part of subdivision, planned development or conditional use approval.
- i. For fences erected on retaining walls, the height of the retaining wall shall be included in the height of the fence. The Director may approve an increase in fence height with or without a retaining wall where the unique feature of a property would warrant such an increase and the increase would not be detrimental to surrounding public or private properties.
- j. Fences and walls shall be constructed of materials approved by the Director. Acceptable materials include wire, wrought iron, plastic, wood and other materials with a similar look. Unacceptable materials

- that are visible include glass, tires, razor wire and/or concertina wire, or unconventional salvaged materials or similar materials. Electric fencing shall be allowed to contain large animals.
- k. Pillars or other support structures for a fence shall be allowed to exceed the maximum fence height by up to one (1) foot at intervals no closer than eight (8) feet.
2. Fences in all nonresidential districts shall meet the following standards. Location of these fences must be approved by the City Engineer to ensure that adequate sight distance is maintained.
    - a. Fences to a height of six (6) feet may be placed anywhere on a parcel. The addition of not more than three (3) strands of barbed wire shall be allowed and shall not be considered in the height calculation.
    - b. Fences in excess of six (6) feet shall be considered a structure and shall comply with the Uniform Building Code and all required setbacks.
    - c. Fences and walls shall be constructed of materials approved by the Director. Acceptable materials include wire, wrought iron, wood, plastic, concrete or other materials with a similar appearance. Unacceptable materials include glass, tires, razor or concertina wire and any other unsafe or unsightly materials.
  3. A permit shall be required to construct a fence in any zone. All fences shall be constructed in a professional manner and shall be properly maintained.

## **4.2 SIGN REGULATION**

### **A. Sign Regulation.**

This regulation governs 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.

### **B. Prohibited Signs.**

1. Prohibited signs are signs which:
  - a. Contain statement(s), word(s), or picture(s) describing or depicting sexual activities or specified anatomical areas;
  - 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: i) time and temperature signs; and ii) 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 (7) revolutions per minute under a wind load of thirty (30) pounds per square foot. Revolving beacon lights are not permitted; and iii) electronic changeable copy signs that do not change the message or copy more than once every 24 hour period.

**C. Exemptions.**

- 1. 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 noncommercial 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 roofline; 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 and/or name of home occupation. A nameplate may be located anywhere on the property.
  - 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 readable 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. **Nonprofit Organization Fund-Raising Campaign Signs (temporary).** Temporary signs not in excess of thirty-two (32) square feet advertising nonprofit organization fundraising campaigns may be erected for campaign purposes in nonresidential 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 seven (7) days after the fund drive has ended. A campaign sign may not be in place more than ninety (90) consecutive days in any twelve (12)-month period.
    - 1. **Transit Shelter and Bench Signs.** A sign on or incorporated within a City-approved transit shelter or transit bench. The requirements and specifications that apply to each transit shelter and bench are found in Section 4.3.S., Transit Shelters and Benches for use specific standards.
- D. 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.
- 1. A non-illuminated sign, advertising the sale or development of land containing not less than five (5) lots, or an area of not less than one (1) acre shall not exceed thirty-two (32) square feet in area, and not more than one (1) sign shall be placed per parcel per street frontage. Signs shall not be erected for more than one (1) year on any parcel unless the Director approves an application for continuance. The Director may issue approval to continue the sign for an additional year. Not more than one (1) sign per parcel per street frontage shall be allowed.
  - 2. A non-illuminated sign, not to exceed six (6) square feet in area (see also 4.2.G.1.a.(3), 4.2.G.1.d(2), 4.2.G.1.e(2)(A) ), pertaining to the sale or lease of the premises on which it is located. This sign shall not be erected for more than one (1) 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 shall be permitted as long as the maximum size of six (6) square feet is not

exceeded. Not more than one (1) sign per parcel per street frontage shall be allowed.

3. 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. Not more than one (1) sign per parcel per street frontage shall be allowed.
4. A sign, not exceeding sixteen (16) square feet in area, advertising the sale of produce grown on the premises. Only one (1) sign per street frontage shall be permitted.
5. Corporation flags, limited to one (1) flag per parcel, when flown in conjunction with the United States or State of Colorado flags.
6. Wind-driven signs are subject to the following:
  - a. A special events permit shall be required prior to any use of wind-driven signs.
  - b. Wind-driven signs, excluding banners, may be displayed for not more than fourteen (14) days in any calendar quarter. The days shall be consecutive.
  - c. Banners may be displayed for a consecutive thirty (30) day period in any calendar quarter.
  - d. All banners must be secured directly to the building at all contact points.
  - e. 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.
7. 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.
8. Signage for temporary uses requiring a temporary use permit shall conform to the requirements for a temporary use permit.

**E. Nonconforming Signs.**

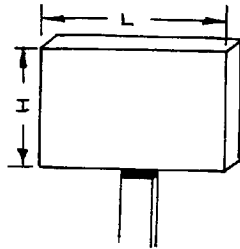
1. All signage on site shall be brought into conformance with this Code prior to approval of any new sign permit on the property.
2. Any nonconforming sign that has been damaged in excess of fifty percent (50%) of its replacement cost by fire, wind or other cause except vandalism shall not be restored without conformance with the provisions of this regulation.

**F. General Requirements.**

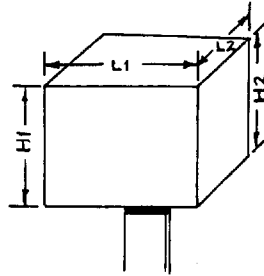
1. The following requirements shall apply to all signs in all zones unless otherwise indicated.

- 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. Only a licensed sign contractor shall obtain permits for signs.
  - 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 herein.
  - 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.
2. The following shall apply to the measurement of signs:
- a. The total surface area of one sign face of freestanding signs and projecting wall signs shall be counted as part of the maximum total surface area allowance.
  - b. The total surface area of all sign faces of roof signs shall be counted as part of the maximum total surface area allowance.
  - c. For measurement of different shapes of signs, see Exhibit 4.2.
  - d. The total surface area of three dimensional figures shall be counted as part of the maximum sign allowance.
  - e. 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, nonstructural trim or other component parts not otherwise used for support.

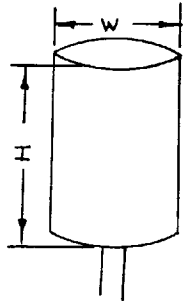
## Exhibit 4.2 Measurement of Signs



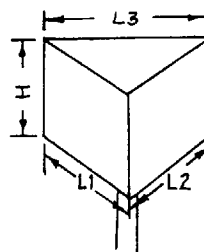
Doubleface "Blade" Sign  
Measure square footage of one side only (HxL)



"Box" Sign  
Measure square footage of two adjoining faces  
(H1 x L1)+(H2 x L2)



Circular Sign  
Measure square footage of cross section at center and double 2(HxW)



Triangular Sign  
Measure total square footage of all 3 sides and divide by two.  $((HxL1)+(HxL2)+(HxL3))/2$

3. No illumination of a sign is permitted unless the following criteria are met:
  - a. The light from any illuminated sign shall be so shaded, shielded and directed that the light intensity or brightness shall not be objectionable to surrounding areas.
  - b. 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.
  - c. No exposed reflective-type bulb or incandescent lamp, which exceeds forty (40) 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.
  - d. Electrical service provided to illuminated signs may require an electrical permit from the Building Department.
4. **Identification and Marking.** Each sign requiring a permit shall bear an identification plate stating the following information:
  - a. Date the sign was erected; and
  - b. Name of person, firm or entity responsible for its construction and erection.

5. **Corridor Overlays.** Shall be in conformance with corridor overlays, PD overlays, and RO District requirements.

**G. Sign Standards by Zone.**

1. Only signs as described below and within this Section shall be permitted in any zone.

a. **Residential Zones-Types Allowed:**

- (1) 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.
- (2) One (1) 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.
- (3) Signs advertising any subdivision or other project being developed in the City shall be governed by the following:
  - (A) Signs in the model home area and on the subdivision site shall not exceed a total aggregate of two hundred (200) square feet.
  - (B) 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.

- b. **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 roofline.

- c. **Illumination.** Indirect or internal illumination only shall be utilized for letter faces and/or logos.

d. **Residential Office Zone.**

- (1) **General.** The residential office zone provides a transition from residential to commercial development and consequently requires more restrictive sign regulations to maintain compatibility.
- (2) **Types Allowed.** Flush wall signs and monument signs shall be the only sign type allowed. One (1) real estate sign advertising the property for sale or lease shall not exceed ten (10) square feet.
- (3) **Location and Size.** Signs shall be located at least ten (10) feet behind the front property line. Total sign area, excluding real estate signs advertising the property for sale or lease, shall not exceed twenty-five (25) square feet per street frontage. The sign allowance for one street frontage may be transferred to a side of a building that has no street frontage, but cannot be transferred to

another street frontage. Monument signs shall not exceed eight feet (8') in height.

- (4) **Illumination.** Illumination complying with Section 7.2.F shall be limited to authorized business hours. (*external illumination only*)
- (5) **Sign Area.** The area of flush wall signs and monument signs shall be calculated as per Exhibit 4.2.

e. **Business, Commercial, Industrial Zones.**

- (1) **General.** This section of the Code shall apply to all zones designated in Chapter 3 as business, commercial, industrial or any variety of these types. Signage on a property zoned CSR shall be limited to signage allowed in the surrounding zone districts.
- (2) **Types Allowed.**
  - (A) Signs in the business, commercial, and industrial zones may include flush wall signs, freestanding 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 twenty (20) 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 nonprofit organizations may be allowed, if the sponsoring entity obtains a permit from the Director 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 (5) percent 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 4.2.G.1.e(5)(B) or 4.2.G.1.e(7)(B), whichever is greater. No single sign may be larger than three hundred (300) square feet. No projecting sign may exceed the allowances in 4.2.G.1.e(6).
- (4) **Illumination.** Unless specifically prohibited, all of the following signs may be illuminated within the limits allowed under Section 4.2.F.3 and 7.2.F.
- (5) **Flush Wall Signs and Roof Signs.**

- (A) The sign allowance shall be calculated on the basis of the area of the one (1) building facade that is most nearly parallel to the street that 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 façade. The total sign allowance, or any percentage thereof, of one frontage may be transferred to a building facade that has no frontage on a dedicated public street, provided the transferred amount does not exceed two (2) square feet of sign area per linear foot of the façade on which it is being placed.
  - (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 (12) inches from the face of the building if the base of the sign is at least eight (8) feet above ground level. (Show window signs in a window display of merchandise when incorporated with such display will not be considered part of the total sign allowance.)
  - (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 (40) feet above grade.
- (6) **Projecting Signs.**
- (A) Signs may project up to seventy-two (72) inches from the face of the building if located eight (8) feet 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 (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 (1/2) foot for each linear foot of building frontage provided that it is no closer than four (4) feet to the curb face (see definition).
- (7) **Freestanding Signs.** Freestanding signs shall comply with the following requirements.
- (A) No more than one (1) freestanding 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:
    - i. Two Traffic Lanes: Maximum area of sign per face per front foot of property, three quarters (0.75) square foot; maximum height, twenty-five (25) feet.
    - ii. Four or more traffic lanes: Maximum area of sign per face per front foot of property, one and one half (1½) square feet; maximum height, forty (40) feet.
  - (C) Signs may be installed at street right-of-way line. The sign face may project up to seventy-two (72) inches into the right-of-way, if located fourteen (14) feet or more above grade, but shall not project closer than twenty-four (24) inches to the back of the curb. If the existing street right-of-way width is less than that required in this Code, the distance shall be measured from the line of such right-of-way as required by this Code rather than from the existing right-of-way line. Ute and Pitkin Avenues shall be calculated using four lanes.
  - (D) On a corner lot, a freestanding sign shall not be placed within the sight-distance triangle, as defined in TEDS, unless free air space is maintained as provided in TEDS. 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 freestanding signs, all such electrical service shall be underground.
  - (F) All freestanding signs shall require a building permit in addition to a sign clearance.
- (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 (General 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 (40) feet above the level of the street or road upon which the sign faces, or above the adjoining ground level if such ground level is above the street or road level. No off-premise sign shall have a surface or 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 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 (600) feet 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 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.

#### H. Removal and Disposition of Signs.

- 1. **Maintenance and Repair:**
  - a. No person shall allow on any premises owned or controlled by him, any sign that is in a dangerous or defective condition.
  - b. The Director shall require the owner of the sign and/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 Director 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.

- c. All signs shall be safe and 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.
- 2. **Abandoned Signs.** Except as otherwise provided in this regulation, a sign which is located on property which is unoccupied for a period of three consecutive months or more, or a sign which pertains to a time, event or purpose which no longer applies, shall be deemed abandoned.
  - a. 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.
  - b. An abandoned sign is prohibited; the owner of the sign or the owner of the premises shall remove the sign and supporting structure. An abandoned sign which is not removed in a timely manner may be removed by the Director under the provisions of this Section.

### 4.3 USE-SPECIFIC STANDARDS

#### A. Animal Regulations.

- 1. **Purpose and Scope.**
  - a. This section provides rules and regulations for the keeping of agricultural animals, household pets and other animals. Keeping of animals shall not become a nuisance, hazard and/or create a public health problem.
  - b. Animal uses such as feedlots, zoos, kennels and veterinary/animal hospitals are specifically identified in the Land Use Matrix and shall be administered by the provisions of this Chapter.
- 2. **Nonconforming Use.** The existing, lawful use of a premise or structure, used for the keeping of animals, which is not in conformance with the provisions of this Code, may be continued, subject to the following:
  - a. No use may be expanded or enlarged, except in conformance with this Code;
  - b. If a nonconforming use is discontinued for twelve (12) consecutive months, any future use shall fully conform to this Code; and
  - c. Having written proof of the existence of the use shall be the responsibility of the occupant or property owner.
- 3. **Agricultural Animals (see Definitions).**
  - a. The CSR, RSF-R, RSF-E, RSF-1 and RSF-2 districts shall not have more than one large Agricultural Animal per one-quarter acre of land and shall be subject to the fencing requirements of this chapter. In these districts, all types of fowl (*e.g.* chickens, turkeys, ducks, and geese) shall be allowed, subject to the confinement provisions of this Section.

- b. In all other districts, a maximum of one large agricultural animal (*e.g.* horse, sheep, cow, mule or burro) shall be allowed per one-half acre of land.
  - c. Agricultural animals shall be subject to the following provisions:
    - (1) All large agricultural animals kept on a parcel shall be fenced so that they are no closer than one hundred feet (100') from any residential structure on another property. For the purposes of this section, the first in time shall be the first in right. Written permission, if the animal(s) were not first in time, for a lesser distance may be obtained from the property owner, or if not owner occupied, from the occupant.
    - (2) No person shall keep, house, or shelter one or more pig(s) in any zone district other than RSF-R unless such person has obtained a conditional use permit in accordance with the provisions of Section 2.13. of this Code.
    - (3) Small animals *e.g.*, chickens and rabbits, which are kept outside the residence, shall be confined by a fence, cage, or pen so as to be no closer than twenty (20) feet from a principal residential structure on an adjoining property. A maximum of six (6) adult animals shall be allowed on parcels of one-half an acre or less. On parcels greater than one-half an acre, fifteen (15) adult animals shall be allowed per acre.
  - d. In the RSF-R district, the number of agricultural animals and small animals allowed under this section may be exceeded with a conditional use permit (see Section 2.13.). If the conditional use application is approved, the permit shall state the maximum number of animals allowed by type and in the aggregate.
4. **Household Pets (Chapter Nine)**
- a. In all districts, a maximum of three (3) adult (four months or older) household pets, *e.g.* dogs and cats, per species, shall be allowed. In no event shall the total number of adult household pets exceed six (6).
  - b. The requirements of a) above shall not apply to those small animals kept within a residence as household pets, *e.g.*, fish, small birds (parakeets, parrots), rodents (mice, rats), and reptiles (nonpoisonous snakes, lizards).
  - c. Dogs or cats kept confined in kennels shall be kept no closer than twenty (20) feet from the nearest principal residential structure on an adjacent property, unless written permission for a lesser distance is obtained from the adjacent occupant or property owner. Such permission may be revoked at any time. Upon revocation, the owner of the animal shall have thirty (30) days to move the animal so that compliance is achieved.

**5. Other Animals.** Other animals may be kept only after obtaining approval from the Director.

a. **Racing Pigeons.** "Racing Pigeon", by definition, is a pigeon which, through selective past breeding, has developed the distinctive physical and mental characteristics as to enable it to return to its home after having been released a considerable distance therefrom, and which is accepted as such by the American Racing Pigeon Union, Inc. or the International Federation of Racing Pigeon Fanciers. Also commonly known as Racing Homer, Homing Pigeon or Carrier Pigeon. The structure for the keeping or housing of pigeons permitted by this administrative regulation is defined as a "loft". The keeping of pigeons as defined above shall be permitted on the following conditions which are, in part, recommended by the Avian Assistance Council and the American Racing Pigeon Union, Inc.:

- 1) The loft shall be of such sufficient size and design, and constructed of such material, that it can be maintained in a clean and sanitary condition and shall contain at least one (1) square foot of floor space for each mature pigeon kept therein.
- 2) The construction and location of the loft shall not conflict with the requirements of the Zoning and Development Code or Building Code. The loft shall be enclosed except for the aviary portion which cannot exceed 20% of the floor area of the loft.
- 3) The loft shall be maintained in a sanitary condition and in compliance with all applicable health regulations of the city.
- 4) All feed for said pigeons shall be stored in such containers as to protect against intrusion by rodents and other vermin.
- 5) A maximum of 50 performing birds shall be allowed on parcels of one-half acre or less. On parcels greater than one-half acre, a maximum of 100 performing birds shall be allowed. Performing birds are birds that leave the loft in training and for racing.
- 6) All pigeons shall be confined to the loft, except for limited periods necessary for exercise, training and competition; and at no time shall pigeons be allowed to perch or linger on the buildings or property of others. Pigeons shall be fed only in the confines of the loft.
- 7) No one shall release pigeons to fly for exercise, training or competition except in compliance with the following rules:
  - a. The owner of the pigeons must be a member in good standing of an organized pigeon club, such as the Grand Junction Racing Pigeon Club, The American Racing Pigeon Union, Inc. or other club that has rules that will help preserve the peace and tranquility of the neighborhood.
  - b. Pigeons will not be released for flying which have been fed within the previous four (4) hours.

- 8) Pigeons shall be banded and registered with one of the national pigeon associations/registries.

**B. Adult Entertainment.**

1. 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.
2. No adult entertainment establishment as defined herein shall be permitted within the City of Grand Junction except as provided in this Ordinance.
3. The purpose of this section is to establish for the zoning and location of adult entertainment establishments which:
  - a. Are not a nuisance; and
  - b. Do not violate the provisions of the law regarding sexual conduct, obscene material or obscene conduct.
4. Nothing in this Code 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 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.
5. **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 , 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, or any other depiction of adult material.
  - 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 female breast, buttock, anus or genital.
6. **Public Building.** 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.
  - a. **School.** 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.
  - b. **Church.** Any structure or building for public worship.
  - c. **Park.** Any public property kept, used and maintained for recreational, ornamental or aesthetic purposes.
  - d. **Playground.** 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.
7. **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 (1,000) feet of the property line of another such business or within one thousand (1,000) feet of the property line of any church, school, park, playground, public building or within one thousand (1,000) feet of any residentially zoned property as the same are established under this 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.

8. **Nonconforming Uses.** Uses made nonconforming shall be governed by those provisions of this Code.

**C. Flea Markets.**

1. This section establishes standards for the operation of flea markets in a manner that protects adjacent property values and street function.
2. **Performance Standards.** All flea markets shall meet the following standards (see Chapter Nine, Definitions and Table 3.5, Land Use Matrix):
  - a. No booth(s), stall(s), or other display area(s) shall be placed or maintained within any required setback area;
  - b. Off-street parking shall be provided at one and one-half spaces per booth or stall;
  - c. Parking area(s) shall only be accessible by driveways meeting standards established in TEDS;
  - d. Sanitary facilities as required by the Director shall be provided on site;
  - e. All item(s) 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 sixteen (16) hours per day;
  - f. 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 as per Section 4.2.E;
  - g. Flea markets shall not derive access from a collector or local street which serves a residential district located within one thousand two hundred (1,200) feet of the property on which the flea market is located; and
  - h. An owner or operator of an existing flea market shall comply with all City regulations on or before December 31, 2005.

**D. New Car/Auto Recycler, End Recycler (Salvage Yard), Wrecking Yards, Appliance Recycler, Impound Lots.\*** For existing uses see section 4.1.I.2.c.

1. **Performance Standards.** New car/auto recycler, end recycler (salvage yard), wrecking yards, appliance recycler and impound lots shall be allowed to operate only with an approved conditional use permit and are subject to the following requirements. Salvage, dismantling, recycling or impound lot uses as accessory uses are permitted under the same status as the principal use and

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\* Section 4.3.D.1.a. through g. revised February 6, 2002 (Ordinance No. 3398)

are subject to all requirements of the principal use in addition to the following requirements:

- a. Recycling/wrecking/salvage yards and impound lots shall provide the screening and buffering required by Table 6.5 and provide a 6' high wall along the street frontage and along the first 50' of the side perimeter from the street. The wall shall be increased to 8' if the yard will contain any stored items in excess of 6'. The required wall shall meet the required front yard setback with landscaping in the setback area.
- b. The wall shall be of solid, 100 percent opaque, construction of wood, masonry, chain-link with slats, or other material approved in writing by the Director (unless the screening and buffering required by Table 6.5 allows for only masonry or wood).
- c. All outdoor yards or storage lots shall comply with the following:
  1. No yard or storage lot shall be placed or maintained within a required yard setback.
  2. Stored items shall not project above the screening except for integral units as defined in Chapter Nine of this Code; and stacking of no more than two vehicles on top of a wheel stand. Integral units shall include shelving up to twenty (20) feet in height for the purpose of storing recyclable materials. Integral units shall not be stored within the first twenty (20) feet of the property from any street frontage property line.
  3. All screening shall be installed in a professional and workmanlike manner, and maintained in good condition.
- d. All compaction, cutting and/or other material volume reducing operations shall be conducted to minimize the noise generated by the operation.
- e. Unusable items shall be disposed of and not be allowed to collect on the premises.
- f. All tires not mounted on operational vehicles shall be neatly stacked or placed in racks. If stacked, the stacks shall not be over six (6) feet in height; if on racks, the top of any tire on any rack shall not be over ten (10) feet in height.
- g. No garbage or other putrescent waste, likely to attract vermin, shall be kept on the premises. Gasoline, oil, or other hazardous materials which are removed from scrapped vehicles or parts of vehicles kept on the premises shall be disposed of in accordance with applicable federal, state and local regulations. All other regulations of the City such as, but not limited to, building codes, fire codes, weed regulations and health regulations shall apply to the operation of all such uses.

**E. Campgrounds.**

1. **Recreational Campground.** Recreational Campgrounds shall meet all of the following standards:
  - a. Campgrounds shall not be used as permanent residences except for the owner or manager and permanent maintenance personnel;

- b. Towed vehicles within the campground shall not exceed eight feet in width;
- c. No person shall stay in any campground more than one hundred eighty (180) days per calendar year. The Director on an individual basis may grant an extension for each user for an additional ninety (90) day period. An extension shall be requested, in writing, by the owner or manager of the campground;
- d. Separate camping areas shall be maintained for independent units, dependent units, and tents;
- e. Camping sites shall be a minimum of one thousand two hundred fifty (1,250) square feet and at least twenty-five (25) feet in width;
- f. Each campground shall provide an active recreational area consisting of one hundred (100) square feet per campground space;
- g. Campsites shall be spaced so that there is at least: ten feet between sites between pads; eight (8) feet from the interior roadway to each pad; fifty (50) feet from exterior roadways to each pad; and fifteen (15) feet from property lines to each pad;
- h. Parking spaces and interior roadways and pad sites (other than tent sites) shall be paved;
- i. Sewage facilities shall be connected to a public sewer collection and treatment system approved by the City;
- j. If provided, electric and gas service shall meet all state and local electric and gas regulations. All utilities shall be underground;
- k. At least one public telephone shall be provided on site;
- l. Interior roadways must comply with Colorado Department of Health standards in addition to the requirements of this Code;
- m. Walkways within the campground area shall be at least four (4) feet wide with hard surface;
- n. Streets and walks shall be lighted every four hundred (400) feet, conforming to the overall design of the campground;
- o. Service buildings with restroom and other facilities shall be provided in accordance with Colorado Department of Health standards;
- p. All areas within the campground must have an acceptable form of ground cover to prevent erosion and blowing dust;
- q. One tree of a species suitable for the area shall be provided for each camping space and shall be located in close proximity to the space;
- r. All trash collection areas shall be screened, and protective fencing shall be provided around hazardous areas;
- s. Adjoining residential areas shall be screened by a solid fence or year round vegetation measuring six (6) feet in height;
- t. At least one clothes washing machine shall be provided on site for the first ten 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 Director if adequate facilities exist in the surrounding area;

- u. Each campground shall provide at least one full-time attendant. A permanent record of registrations must be maintained;
- v. Each campground must comply with all other requirements of this Code; and
- w. Each space shall be numbered in a conspicuous location and a space map posted at the entrance to the campground.

**F. Manufactured Housing Parks.**

1. **Purpose.** To provide for low cost housing developments that include adequate amenities and are designed to provide stable, long-term asset for the community.
2. **Standards.** Manufactured housing parks shall have a maximum density of eight manufactured homes per acre and a minimum density of four (4) units per acre. The following standards shall also apply:
  - a. All manufactured home spaces shall abut on a hard-surfaced roadway of not less than twenty-four (24) feet in width which shall be adequately lighted and drained and which shall have unobstructed access to a paved public street or highway;
  - b. No manufactured home or structure shall be closer than twenty-five (25) feet to any property line of the manufactured home park nor closer than twenty (20) feet to another manufactured home or any building in the park, except where manufactured homes are parked end to end, the end clearance shall be at least fifteen (15) feet;
  - c. No additions shall be built onto any manufactured home other than a porch or entry-way, which shall be not less than fifteen (15) feet from the nearest manufactured home and its additions;
  - d. All buildings and manufactured homes within the park shall be served with centralized water supply and sewage disposal systems approved by the City;
  - e. Two (2) off-street parking spaces shall be provided for each manufactured home site and one space for every fifty (50) square feet of floor area in administration and service buildings;
  - f. All manufactured homes shall be skirted and anchored in a manner approved by the Director;
  - g. All parking and driveway areas shall be paved;
  - h. Mobile homes, recreational vehicles or travel trailers may not be used as residences within a manufactured home park;
  - i. Each space shall be numbered in a conspicuous location and a space map posted at the entrance to the park;
  - j. In evaluating the proposed development, the City shall evaluate, in addition to other considerations, the following:
    - (1) The effect of the proposed manufactured home park on adjacent property values;

- (2) The consistence and compliance of the proposed manufactured home park with the provisions of applicable County and State regulations;
  - (3) The suitability of the site for the proposed use with special attention to topography, subsurface conditions and the availability of necessary utility service;
  - (4) The relation of the population density resulting from the proposed manufactured home park to the public interest;
  - (5) The use of sound planning and engineering practices;
  - (6) The availability of access from existing highways and the nature of the altered traffic pattern resulting from the manufactured home park; and
  - (7) The availability of schools, police protection, fire protection and other public services;
- k. In the event of approval, the City shall specify appropriate conditions and safeguards to protect the character of existing and future development of adjoining properties as well as the manufactured home park; and
- l. Existing manufactured home parks shall comply with the above standards to the greatest extent possible, except that:
- (1) Existing mobile homes may continue to be used, and replaced in mobile home parks established prior to 1976;
  - (2) Existing spaces may be used, provided that any additions made after the effective date of the Code shall comply with setback requirements herein; and
  - (3) Paving of existing driveways only shall be required if the park is expanded or the number of spaces increased.

#### **G. Mini-Warehouse.**

1. **Purpose.** This section sets standards for the establishment and maintenance of safe and attractive mini-warehouse developments that will remain a long-term asset to the community. A mini-warehouse shall mean a structure or group of structures for the dead storage of customer's goods and wares where individual stalls or lockers are rented out for storage and where one or more stalls or lockers has less than five hundred (500) square feet of floor area.
2. **Fencing and Screening.**
  - a. Screening and buffering shall be provided in accordance with Sections 6.5.E and 6.5.F of this Code.
  - b. Signs or other advertising mediums shall not be placed upon, attached to, or painted on any required walls or fences.
3. **Landscaping.** All setbacks shall be landscaped in conformance with Section 6.5.B of this Code and shall provide appropriate visual screening and/or buffering for adjacent properties.

4. **Architectural Standards.** Mini-warehouse units provided in conjunction with multifamily housing shall be similar in architectural design and materials to the multifamily structure(s).
5. **Commercial Activity Prohibited.** Sales, other than an occasional sale, estate sale or lien foreclosure sale from or at a mini-warehouse is specifically prohibited.
  - a. It shall be unlawful for any owner, operator or lessee of any mini-warehouse or portion thereof to offer for sale, or to sell any item of personal property, or to conduct any type of commercial activity of any kind whatsoever, other than leasing of the storage units, or to permit same to occur upon any area designated as a mini-warehouse; except, one estate sale or other sale of two (2) days or less per calendar quarter shall be allowed per property.
  - b. The Director may take appropriate legal or administrative action necessary to halt or prohibit any commercial activity from any mini-warehouse other than the leasing of storage units.
6. **Storage Only.**
  - a. No activity other than storage and rental of storage units shall be conducted on the premises.
  - b. No outside storage shall be permitted except the storage of licensed vehicles within approved areas designated for such storage and meet outdoor storage requirements of Section 4.1.
7. **Signage.** Signage shall conform to the provisions of Section 4.2. Storage units shall be clearly marked with numbers or letters identifying the individual units and a directory of the unit locations shall be posted at the entrance or office of the facility.
8. **Accessibility/Circulation.** Vehicular ingress-egress shall provide for safe access by customers and emergency vehicles and shall be paved.
9. **Height.** Building height shall not exceed eighteen (18) feet.
10. **Off-street Parking and Driveways Standards.**
  - a. Parking shall be provided by parking/driving lanes adjacent to the buildings. These lanes shall be at least twenty-six (26) feet wide when cubicles open onto one side of the lane only and at least thirty (30) feet wide when cubicles open onto both sides of the lane.
  - b. Two parking spaces shall be provided adjacent to the manager's office.
  - c. One parking space for every two hundred (200) storage cubicles or fraction thereof shall be located adjacent to the project office. A minimum of two such spaces shall be provided.
  - d. Required parking spaces may not be rented as or used for vehicular storage, however, additional parking areas may be provided for recreational vehicle storage or trucks rented for moving storage items, provided that it is adequately screened in conformance with this Code.

#### **H. Bed and Breakfast.**

1. All bed and breakfast uses shall be subject to the following standards:

- a. Structures shall not be altered in a way that changes the general residential appearance;
- b. A minimum of one parking space shall be provided for each guest bedroom and two (2) spaces for the owner. Additional parking shall be required if reception or party space is available. If four (4) or more uncovered off-street parking spaces are provided, visual screening from adjacent residential uses shall be required;
- c. One sign shall be allowed, with a size limit of two (2) square feet on roads with a speed limit of thirty (30) miles per hour or less and six (6) square feet on roads with a speed limit greater than thirty (30) miles per hour. Internally illuminated signs are not allowed. Externally illuminated signs must meet the standards of Section 4.2;
- d. No receptions, private parties or similar activities for which the owner receives a fee shall be permitted unless expressly approved through the review and approval of a Conditional Use Permit;
- e. The maximum length of stay shall be thirty (30) days;
- f. All guest rooms shall be located within the principal structure;
- g. Other than registered guests, no meals shall be served to the general public unless expressly approved. No cooking facilities shall be allowed in the guest rooms;
- h. All bed and breakfast establishments must comply with Mesa County Health Department Regulations. Written approval by the Mesa County Health Department is required prior to approval by the City; and
- i. All bed and breakfast establishments shall comply with Fire Code and Building Code requirements. Written approval by the governing fire district and building department is required prior to approval by the City.

**I. Business Residence.**

1. **Residence Occupancy.** A business residence is a primary residence, located within a business structure, of the owner, operator or employee of the business. This section is not intended to permit general residential uses in business or commercial areas.
2. **Residence as Accessory Use.** The same procedures and requirements shall govern a residential accessory use as the principal use with which it is associated (see Use/Zone Matrix, Table 3.5). The following conditions apply to all business residences:
  - a. The residential unit shall comply with all appropriate Building and Fire Codes and with all applicable portions of this Code;
  - b. Only one single family dwelling unit per business or structure is allowed and it shall be occupied only by the owner, operator, or employee of the principal use and immediate family;
  - c. The dwelling unit shall be located within a structure used primarily for business purposes;

- d. A minimum of two (2) off-street parking spaces shall be provided for the dwelling unit in addition to the required parking for the business; and
- e. Other conditions as required through site plan approval process.

**J. Medical and Hazardous Waste Transfer Facilities.**

- 1. **Purpose.** The purpose of this section is to evaluate the expected impact of a proposed medical or hazardous waste transfer facility and to reasonably ensure that such a facility is reasonably safe.
- 2. **Application.** A medical or hazardous waste transfer facility receives and temporarily stores medical or hazardous wastes; it does not include facilities for the treatment, storage or disposal of wastes. A conditional use permit, granted in accordance with Section 2.13., shall be required prior to establishment of a medical or hazardous waste transfer station. The Director may waive or reduce informational requirements for a specific proposal after making a written finding that such information is not needed to adequately review the impacts of the proposed facility or that other available studies adequately provide the requested information.
- 3. **Exemptions.** A facility that provides temporary storage of hazardous or medical wastes generated on the site for a period not to exceed seven days or the time period allowed by the State, is not subject to the provisions of this section.
- 4. **Medical or Hazardous Waste Transfer Facility Report Requirements.**

An application for a conditional use permit for a medical or hazardous waste transfer facility shall include the submission of a Hazardous Waste Facility Siting Report by the applicant. This report shall summarize and analyze all pertinent information regarding the proposed siting of the facility, and shall:

  - a. Be prepared by an independent, qualified professional. The author of the Hazardous Waste Facility Siting Report shall provide written evidence of expertise required to prepare the report;
  - b. Include the following information, as well as any additional information deemed necessary by the Planning Commission or City Council for a thorough review of the proposal:
    - (1) **Applicant Information.**
      - (A) Applicant and property owners' names, addresses and interests in the property.
      - (B) Name, address, and telephone number and credentials of the author of supporting technical documentation.
      - (C) Affidavit authorizing the applicant to represent the property owner.
      - (D) Legal description and location of the proposed site.
      - (E) Location map indicating the location of the site in relation to the City thoroughfare system.

- (F) Zoning map indicating the present zoning of the site (and proposed zoning if a rezoning has been requested) and the zoning of adjacent parcels.
  - (G) A land use map indicating existing and proposed site development and land uses of property located within two thousand five hundred (2,500) feet of proposed storage and operations areas.
  - (H) The site topography, including existing and proposed grades shown in contour intervals of two (2) feet.
  - (I) The site's hydrological conditions, including the location of any floodplains, wetlands and bodies of water, as well as subsurface water characteristics.
  - (J) The site's geological conditions, including description of geological features, unstable areas or other geological anomalies which might affect facility operation and that, to the extent such features exist, they have been adequately addressed in the facility design.
  - (K) The history of uses at the site which may have installed underground storage tanks, deposited fill on the property for disposal or grading purposes, or contaminated soils with medical or hazardous wastes.
  - (L) The distance from the nearest park, wetland, fresh water stream or water body, well head, water pumpage center, sewage treatment plant, sewage trunk line, floodway area, flood fringe area, rail
  - (M) freight line, federal or state highway, public water supply, groundwater recharge area, or aquifer outcrop area.
  - (N) Existing streets, driveways, loading areas and public utilities.
- (2) Project Description and Impact Analysis.**
- (A) Description of proposed use of the site, including a detailed explanation of all operations involving medical or hazardous wastes.
  - (B) Description and drawing of proposed buildings, structures and storage facilities, including proposed height and bulk of any.
  - (C) Description and drawing of all proposed streets, driveways, parking areas and loading area.
  - (D) A traffic study, which takes into consideration traffic, generated by the facility as well as background traffic and all traffic that will be generated by development authorized under existing regulations in the vicinity of the facility.
  - (E) Description of efforts made by the applicant to meet with surrounding property owners to inform them of their proposal and respond to their concerns.

- (F) Agency findings of compliance with applicable provisions of local, State or Federal law.
- (G) Applicant's technical findings related to hydrological, geological and topographical constraints and proposed mitigation measures.
- (H) Applicant's findings related to the suitability of the site for the purposes proposed, including consistency with the Growth Plan, natural features and adjacent development patterns.
- (I) Applicant's finding that no environmentally, archaeologically, culturally or historically significant areas, threatened or endangered species, or lakes exist on or near the property, which will be negatively impacted by the facility.
- (J) Applicant's findings that there are no wetlands on the property which will need to be filled in order to facilitate the construction of the facility.
- (K) The operator shall provide details on the site's security system, including an explanation of how access to and from the site is to be controlled.
- (L) The operator shall submit a full description of operations including character and location of material transfer and storage, spill and emergency response plans and manifesting program.
- (M) Proposed screening and landscaping of the site showing existing and proposed use of plants, berms and fences.
- (N) The need to relocate any existing public facilities and utilities located on the site.

5. **Medical or Hazardous Waste Transfer Facility Review Requirements.**

The City shall review the Hazardous Waste Facility Siting Report and the supporting documentation for completeness and the validity of the assumptions stated and determine whether the proposal:

- a. Is consistent with the Growth Plan;
  - b. Will substantially advance the public health, safety or general welfare;
  - c. Will impact the marketability and property values of surrounding property;
  - d. Will impact the site's environment and natural resources;
  - e. Has public benefit that outweighs public or private detriment;
  - f. Is compatible with adjacent development; and
  - g. Is a suitable use for the proposed site.
6. In granting a conditional use permit for a medical or hazardous waste transfer facility, the City may establish reasonable conditions including, but not limited to:
- a. Containment safeguards to prevent contamination of surface or groundwaters;

- b. Buffering, screening and berming to ensure that operations or activities on-site are adequately screened from off-site locations;
- c. Noise levels at the property line shall not exceed the guidelines for community noise published in the American National Standard ANSI 53.23-1980, entitled "Sound Level Descriptions for Determination of Compatible Land Use," [C.R.S. 25-12-103];
- d. Seismic vibrations, if any blasting is to occur during either construction or operations, are not to exceed the standard established in U.S. Bureau of Mines Bulletin 656;
- e. All on-site roads, driveways, parking and loading areas shall be paved to limit fugitive dust;
- f. Odors shall be controlled to the maximum extent practicable using the best available technology;
- g. Access to the site shall not use residential streets;
- h. Fiscal assurances in a specified amount, in a form mutually acceptable to the operator and the City, to guarantee the operator's performance during the operation, closure and post-closure period, and to provide financial assurance with respect to any third party claimants for personal injury or property damage by persons residing or owning property within a specified distance from the facility, which damage can be shown to be a direct consequence of facility operations;
- i. Limitation of the hours of operation;
- j. A surface water drainage system to provide runoff and erosion control that can accommodate a 100-year, 24-hour storm and that any surface drainage which does come in contact with waste handled outside of sealed DOT approved containers is directed to an independent collection system;
- k. Periodic monitoring of operations and stormwater runoff from the site. The facility operator shall reimburse the local government for their costs related to inspection, monitoring and other administration of facility operations;
- l. Limitation of the types of waste which can be received at the site and standards ensuring that personnel are properly trained to handle wastes accepted at the site;
- m. A franchise fee calculated to pay the City for the costs to review, monitor and enforce the permit;
- n. To the extent that any technical environmental issues are raised, the operator, as part of the review process and prior to approval, shall reimburse the City for the cost of engaging the services of an independent expert to study and provide an opinion concerning the issues;
- o. The operator shall allow the City and its designees to inspect the site during hours of operation without prior notice, to ensure that the facility is being operated in accordance with applicable conditions of approval;

- p. Reimbursement to the City for the cost of special training, equipment and labor required for response to medical, fire and other emergencies;
- q. A yearly performance report for the facility. This report shall be presented to the Planning Commission annually and shall include, but not be limited to, the following:
  - (1) Volume and chemical classification of the substances received.
  - (2) Volume and chemical classification of the substances shipped from the site.
  - (3) Accidents:
    - (A) location, type and cause of the accident;
    - (B) number and type of spills on and off site;
    - (C) fires - type(s) and location(s);
    - (D) list corrective measures taken by the operator of the facility to prevent future occurrences.
  - (4) Site testing data.
  - (5) Number and type of violations found by E.P.A. or State inspectors.
  - (6) Street and traffic safety improvements.
- 7. The Planning Commission shall set an expiration date on the conditional use permit approval.

**K. Mineral Extraction, Washing, Crushing, Cement Batch Plants and Asphalt Plants.**

- 1. **Purpose.** The purpose of this Section to establish reasonable and uniform limitations, safeguards and controls to wisely utilize natural resources and to reclaim mined land.
  - a. Gravel extraction and/or processing activities should occur on parcels of sufficient size so that extraction and reclamation can be undertaken while still protecting the health, safety and welfare of the citizens.
  - b. Where gravel extraction and/or processing is adjacent to zoning or land uses other than I-1 or I-2, mining, handling and batch processing activities may be restricted, buffering may be required and/or disturbance/reclamation may be accelerated to be compatible with the adjacent zone(s) or use(s).
- 2. **Procedure.**
  - a. Commercial extraction of mineral deposits shall not begin or occur until an excavation and land reclamation plan have been approved in writing by the Colorado Mined Land Reclamation Board.
  - b. A plan approved as part of a CUP and/or a reclamation/development schedule being followed under previous regulations fulfills this requirement.
  - c. Asphalt, cement and/or other batch plant operations shall be subject to CUP requirements.
  - d. A plan for a use under this Section shall contain, in addition to those relevant requirements outlined for a CUP, the following:

- (1) 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;
- (2) 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;
- (3) A detailed reclamation plan showing proposed reclamation with time schedules including, but not limited to, finish contours, grading, sloping, placement, and amount and type of revegetation, post-extraction land use plans and any other relevant information;
- (4) 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;
- (5) Type, character, and density of proposed vegetation both during excavation and as a component of rehabilitation;
- (6) 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, irrigation, protection of plants and soil prior to vegetation establishment and administrative cost;
- (7) A drainage plan and report 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 Director may require a floodplain permit (see Section 7.1, Flood Damage Prevention Regulation).
- (8) Traffic analysis, which reviews road capacity and safety conditions/considerations for and within the neighborhood, as that term may be defined and applied by the Director. The Director may reduce or enlarge the neighborhood to be analyzed upon a finding of a hazard or hazardous condition. The traffic analysis shall generally conform to and address TEDS standards and shall include but not be limited to ingress/egress, parking and loading, on site circulation, number of trucks per day and the capacity of roads, streets, bridges, intersections etc.
- (9) An erosion control plan for runoff and wind-blown sediments shall be provided for the mining operation and the reclamation;
- (10) Additional information that is required because of unique site features or characteristics may be required by the City Community Development Department; and

(11) 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.

3. **Standards.**

- a. Mineral extraction, washing, crushing, cement & asphalt batch planting and other mined products related uses shall be subject to an approved excavation permit, well permit, air pollution permit, reclamation plan and any and all other permits, certifications or requirements of the state or federal agencies having jurisdiction as required;
- b. Excavation or deposit of overburden is not permitted within thirty (30) feet of an abutting parcel, an easement, an irrigation ditch or canal or right-of-way unless by written agreement of the owner(s) of such property, easement, irrigation ditch, canal or right-of-way;
- c. Excavation within one hundred twenty five (125) feet of an existing residence is not permitted unless by written agreement of the owners and occupants of the residence. No rock crushing, asphalt/cement plant or other similar equipment or operations shall take place any closer than two hundred fifty (250) feet of a residence. The Planning Commission may require a greater distance if the operation is abutting a residential zone district. Excavation, loading, handling, processing and batch operations adjacent to residentially zoned parcels shall not exceed 65 db at the property line of any Adjacent parcel;
- d. At a minimum, one hundred (100)-foot greenbelt setback shall be provided from jurisdictional wetlands or navigable watercourses as the same are defined by the US Army Corps of Engineers (USACE). The Director upon recommendation and consent of the USACE may vary this standard.
- e. Existing trees and vegetation shall, to the extent practicable, be preserved and maintained in the required setback to protect against and reduce noise, dust and erosion. The Director may require vegetative screening and/or buffering in accordance with this Code in order to minimize the impact to dissimilar adjacent uses or zoning districts;
- f. The owner or operator shall submit a traffic analysis;
- g. The Director of Public Works may place restrictions on right-of-way use after review of the traffic analysis. Restrictions may include but are not limited to the owner or operator being responsible for the extraordinary upgrade and maintenance of the designated haul route(s);
- h. Streets, bridges and highways designated as haul route(s) shall be maintained by the owner/operator in a reasonably clean condition. This may include, depending on local conditions, watering, oiling, or sweeping as determined by the Director;

- i. Hours of operation shall be restricted to 6:00 AM to 6:00 PM. The Director may authorize different hours, however, the Director may also restrict as part of the CUP the hours of operation near residential or urbanized areas;
- j. 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 ten (10) feet. The floor of excavation pits, whether wet or dry, shall be left in a suitable condition;
- k. The owner/operator shall not excavate, store overburden or mined material or dike the property 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;
- l. Prior to starting operation, where the operation is adjacent to subdivided and/or developed commercial or residential property, the Director may require buffering and/or screening. Required fencing, screening and/or buffering shall not be removed until reclamation has been completed;
- m. After mining has been completed, the site shall not to be used to stockpile sand and/or gravel except in I-1 and I-2 with a CUP. In any event the owner/operator is to reclaim the site as rapidly as possible;
- n. Operations shall comply with the noise, vibration and other applicable standards and requirements of this Code and, if not in conflict those of the Grand Junction Code of Ordinances (GJCO). If there are conflicting or competing provisions in this Code and the GJCO the most stringent shall apply;
- o. All air emissions shall comply with standards established by the Mesa County Health Department, State Health Department and Colorado Air Quality Control Commission;
- p. All water use and/or discharge shall conform to standards established by law and administered by the Environmental Protection Agency (EPA), the Colorado Department of Public Health and Environment (CDHPE), the City of Grand Junction and the Mesa County Health Department;
- q. All slopes shall be stabilized. Land remaining at the natural water level must be revegetated in a manner compatible in type as/with the immediately prevailing area. Revegetation plans are required and shall minimally meet the standards of the Colorado Mine Land Reclamation Board;
- r. All disturbed areas shall be revegetated in accordance with the vegetation plan;
- s. Following initial revegetation efforts, the revegetated area shall be maintained for a period of three years or until all vegetation is firmly established in the reclamation area;

- t. A timetable for reclamation shall be placed on each project. Time lines, including but not limited to milestones, if any, shall be dependent upon the type and size of reclamation effort;
- u. Proof of a reclamation bond shall be submitted, along with the required reclamation plan;
- v. A development schedule shall be submitted describing the life span of the project in years (ranges are acceptable) and, if applicable, the years per phase;
- w. If the development schedule is not met the conditional use permit:
  - (1) May be revoked;
  - (2) The Director may grant a two (2) year extension per request;
  - (3) The Planning Commission shall have the power, after hearing, to revoke any conditional use permit for any violation;
  - (4) Upon at least ten (10) days written notice to the owner, the Planning Commission may hold a hearing to determine the nature and extent of the alleged violation, and shall have the power, upon showing of good cause, to revoke the permit and the plan and to require reclamation of the land;
  - (5) If not extended or revoked, a new application and extraction plan will need to be submitted and reviewed in the manner described in this section;
  - (6) An extension request shall provide information in writing detailing the reasons for the request. The Director shall consider the stated reasons, as well as the extent conditions have changed in the area, if any, before granting an extension;
  - (7) If a written request to extend the development schedule is submitted to the Director it shall include but not necessarily be limited to the factors and reasons for the requested extension. New conditions may be imposed as a part of the granting of an extension. New conditions, if any, may be appealed to the Planning Commission to be considered at a public hearing;
  - (8) The Director may forward any extension request to the Planning Commission;
  - (9) Extension requests will be evaluated by the Director and/or Planning Commission on the same basis and with the same information as per the conditional use permit process;
- x. If the use has not operated or if no material has been extracted in accordance with the development schedule or any extension(s) thereof, the conditional use permit shall expire;
- y. Signage for public safety is required; and
- z. Fencing around the perimeter of the property is required.

**L. Temporary Uses and Structures.**

1. 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.
2. Prior to conducting or establishing a temporary use or temporary structure, approval of a temporary use permit by the Community Development Department is required.
3. Any allowed use in nonresidential zones 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. 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;
  - b. Factors such as location, noise, odor, light, dust control and hours of operation may be considered in addition to any others;
  - c. The location and/or intensity of the temporary use and/or temporary structure is such that adverse effects on adjacent parcels will be minimized, as determined by the Director; and
  - d. Particular attention shall be paid to the type and volume of traffic generated and/or impacted by the temporary use/temporary structure and its effect on traffic circulation in the neighborhood.
4. Adequate off-street parking, as defined by this Code, shall be provided;
  - a. The use shall not displace the required off-street parking spaces or loading areas of the principal use/structure on the site; and
  - b. The entrance(s) and exit(s) shall be designed to prevent traffic hazards, nuisances and as required by TEDS.
5. The use shall not be allowed on publicly owned property unless the applicant first obtains a revocable or other applicable permit through the City or the property owner, if not the City.
  - a. Special events and activities conducted on public property, such as school sites and City parks, shall be exempt from the provisions 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).
6. Structures and/or display shall comply with the setback requirements of the zone. Displays must not interfere with the sight distance triangle of the intersection of the curb line of any two streets or a driveway and a street. In no case shall sales or display occur within the public right-of-way.
7. 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.

8. Temporary use sign(s) shall be permitted only for and during the time of the temporary use. 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 signpost. Portable signs, such as sandwich boards *etc.*, shall not be allowed. Off-premise signage is not allowed.
9. Temporary Use must comply with criteria in section 2.2.D.2.

**M. Superstore/Big Box Development/Shopping Center.**

1. The following standards and guidelines are applicable to any retail commercial structure in excess of 50,000 square feet or any retail center in which any one structure exceeds 50,000 square feet (hereinafter Big Box).
2. Big Box shall provide outdoor spaces and amenities to link structures with the community. Bus stops, drop-off/pick-up points, as well as pedestrian circulation routes shall be integrated with traffic patterns on the site. Special design features enhance the building's function with its relationship to the community.
  - a. Big Box shall provide at least two of the following design features:
    - (1) Patio/seating area;
    - (2) Pedestrian plaza with benches;
    - (3) Window display area [covering at least seventy-five percent (75%) of the length of one facade or fifty percent (50%) of length of two facades]
    - (4) Outdoor playground area;
    - (5) Kiosk area;
    - (6) Water feature;
    - (7) Clock tower; or
    - (8) Other features approved by the Planning Commission.
  - b. Each Big Box shall provide an off-street bus stop for customers and employees when located on an established or planned bus route.
  - c. Each of these features shall be constructed of material(s) that are compatible with the principal structure and be linked by pedestrian connections as required by this Code.
3. Pedestrian accessibility from a Big Box to the neighborhood is key; traffic impacts are reduced and the Big Box projects a friendlier, more inviting image. This section sets forth standards for public sidewalks and internal pedestrian circulation systems that can provide user-friendly pedestrian access as well as pedestrian safety, shelter and convenience within the center grounds.
  - a. Continuous internal pedestrian walkways, no less than eight (8) feet in width, shall be provided from the public sidewalk or right-of-way to the principal customer entrance of the principal structure. At a minimum, walkways shall connect pedestrians to transit stops, street

crossings, building and store entries and shall feature adjoining landscaped areas that include trees, shrubs, benches, flower beds, ground covers or other materials for no less than fifty (50) percent of its length.

- b. Sidewalks, no less than eight (8) feet in width, shall be provided along the full length of the building along any facade featuring a customer entrance and along any facade abutting public parking.
  - c. Sidewalks shall be located an average of six (6) feet from the facade of the building to provide planting beds for foundation landscaping, except where features such as arcades, display windows or entryways are part of the facade.
  - d. Walkways within thirty (30) feet of at least half of the customer entrances shall have weather protection features such as awnings or arcades.
  - e. Pedestrian walkways in public parking areas shall be distinguished from driving surfaces by the use of durable, low maintenance surface materials such as pavers, bricks or patterned concrete. Such walkways enhance pedestrian safety and comfort, as well as the attractiveness of the walkways.
4. Parking areas should provide safe, convenient and efficient access. Parking shall be distributed to shorten the distance to buildings and public sidewalks and to reduce pavement. Where possible, no more than seventy-five (75) percent of the off-street parking for the entire property shall be located between the front facade of the principal structure and the primary abutting street ("Front Parking Area"). The Front Parking Area shall be determined by drawing a line from the front corners of the building to the nearest property corners. If any such line, when connected to the plane of the front façade of the building, creates an angle that is greater than one hundred eighty (180) degrees, then the line shall be adjusted to create an angle of one hundred eighty (180) degrees when connected to the plane of the front façade of the building. If any such line, when connected to the plane of the front façade of the building, creates an angle that is less than ninety (90) degrees, then the line shall be adjusted to create an angle of ninety (90) degrees when connected to the plane of the front façade of the building. Parking spaces in the Front Parking Area shall be counted to include all parking spaces within the boundaries of the Front Parking Area, including (a) all partial parking spaces if the part inside the Front Parking Area boundary lines constitutes more than one-half (1/2) of said parking space, and (b) all parking spaces associated with any pad sites located within the Front Parking Area boundaries.
  5. Where practicable buildings shall be located closer to street(s) so that the scale of the building appears to be reduced, pedestrian traffic is encouraged and architectural detail(s) are more apparent.
  6. Outdoor storage, loading and operations areas shall be attractively screened from adjacent parcels and streets.

- a. Outdoor storage, trash collection and/or compaction, loading or other such uses shall be located in the rear of the lot;
  - b. If because of lot configuration the Director determines that such placement is not feasible, then the side yard may be used, but in no case shall such area(s) be located within twenty (20) feet of any public street, public sidewalk or on-site pedestrian way;
  - c. Outdoor storage, HVAC equipment, trash collection, trash compaction and other service functions shall be incorporated into the overall site design. Views of these areas shall be screened from visibility from all property lines and separated from sidewalks and on-site pedestrian ways. Screening structures shall be made of the same materials as the principal structure;
  - d. Nonenclosed areas for the storage and sale of seasonal merchandise shall be permanently defined and screened with walls and/or fences. Materials, colors and design of screening walls and/or fences shall conform to those used as in the principal structure. If such areas are to be covered, then the covering shall conform to the colors on the building.
  - e. No delivery, loading, trash removal or compaction, or other such operations shall be permitted between the hours of 10:00 PM to 7:00 AM unless the applicant submits proof that sound barriers between all areas for such operations effectively reduce noise emissions to a level of forty five (45) dB, as measured at the lot line of any abutting property.
  - f. Outdoor display and storage shall not encroach on any portion of a walkway, drive aisles or required parking spaces.
7. The following standards shall apply to all building facades and exterior walls that are visible from adjacent public streets and/or parcels. These standards are intended to reduce the massive scale of large buildings, which, without application of these standards, may be incompatible with Grand Junction's desired character.
- a. Facades greater than one hundred fifty (150) feet in length, measured horizontally, shall incorporate wall plane projections or recesses having a depth of at least three (3) percent of the length of the facade and extending at least twenty percent (20%) of the length of the facade. No uninterrupted length of any facade shall exceed one hundred fifty (150) horizontal feet.
  - b. Ground floor facades that face public streets shall have display windows, entry areas, awnings, or other such features along no less than sixty percent (60%) of their horizontal length. If the facade of the building facing the street is not the front, it shall provide the same features and/or landscaping in scale with the facade.
8. Buildings should have visually interesting architectural features and patterns that are designed to reduce mass and scale and reflect local character.

9. The following, in regard to trim, graphics or paint should be integral and not superficially applied: color and material change(s), texture change(s) and relief such as offsets, projections and reveals.
10. Variation(s) in roof lines/roof materials, in order to add interest to and reduce the massive scale of large buildings is required. Roofs shall have no less than two of the following features:
  - a. Parapets concealing flat roofs and rooftop equipment, such as HVAC units from public view. Parapets shall not exceed one-third of the height of the supporting wall and shall not be of a constant height for a distance of greater than one hundred fifty (150) feet;
  - b. Overhanging eaves, extending no less than three (3) feet past the supporting walls, for no less than thirty percent (30%) of the building perimeter;
  - c. Sloping roofs that do not exceed an average slope greater than or equal to one foot of vertical rise for every three (3) feet of horizontal run and less than or equal to one foot of vertical rise for every one foot of horizontal run; and
  - d. Three or more roof slope planes.
11. The following standards are intended to ensure that large structures are consistent with community values.
  - a. Predominant exterior building materials shall be high quality material. These include, without limitation:
    - (1) Brick;
    - (2) Other native stone;
    - (3) Tinted, textured, concrete masonry units;
    - (4) Wood; and
    - (5) Sandstone
  - b. Facade colors shall be non-specular, neutral or earth tone colors. The Director shall prohibit the use of high intensity, metallic, black or fluorescent color.
  - c. Building trim and accent areas may feature brighter colors, including primary colors.
  - d. Predominant exterior building materials shall not include the following:
    - (1) Smooth-faced concrete block;
    - (2) Smooth-faced tilt-up concrete panels; or
    - (3) Prefabricated steel panels.
12. Big Boxes, where possible, shall provide multiple entrances. Multiple entrances reduce walking distances from cars, facilitate pedestrian and bicycle access from public sidewalks and provide convenience where certain entrances offer access to individual stores or identified departments of a store. Multiple entrances also mitigate the effect of unbroken walls and neglected areas that often characterize building facades that face other properties.

13. Entryway design elements and variations should give orientation and aesthetically pleasing character to the building. The following standards identify desirable entryway design features. Each principal building on a site shall have clearly defined, highly visible customer entrances featuring no less than three of the following:
  - a. Canopies or porticos,
  - b. Overhangs,
  - c. Recesses/projections,
  - d. Arcades,
  - e. Raised corniced parapets over the door,
  - f. Peaked roof forms,
  - g. Arches,
  - h. Outdoor patios,
  - i. Display windows,
  - j. Architectural details such as tile work and moldings which are integrated into the building structure and design, and
  - k. Integral planters or wing walls that incorporate landscaped areas and/or places for sitting.
14. Big Box building height shall not exceed thirty-five (35) feet for a one-story building.
15. To the greatest extent possible, mechanical appurtenances shall be located within the structure. External mechanical appurtenances such as heating and air conditioning equipment shall be screened and finished to match the colors and materials of the building.
16. All buildings and enclosures shall be designed to be compatible with the primary structure. Compatibility shall be measured in terms of design, form, use of materials and color.

#### **N. Single Family Development**

1. The following regulations apply to the construction or placement of a single family home, manufactured home or modular home (dwelling) on a lot.
2. No mobile home may be used as dwelling in the City except in an established mobile home park.
3. Every Dwelling 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.
  - a. 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.

- b. The requirement for all dwellings to be placed on a permanent foundation shall apply to all dwellings constructed or placed after the effective date of this Code.
  - c. Any nonconforming conventional, manufactured or mobile home use may be continued subject to the provisions of Section 3.8.B of this Code.
  - d. 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:
    - (1) On permanent wood foundation systems, the footer may be a depth of six (6) inches and a width of twelve (12) inches as opposed to the ten (10) inches depth and eighteen (18) inches depth illustrated in the standard; and
    - (2) The anchor 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.
  5. Unless otherwise provided for in the zone, only one principal structure shall be allowed per parcel of land.
  6. In single family dwellings up to two rooms may be rented on a non-transient basis so long as the single-family characteristics of the use are maintained.

**O. Multifamily Development**

1. To the extent practicable, as determined by the Director, multifamily dwellings shall be developed in small clusters in order to create a sense of place.
2. Development with more than ten (10) units shall provide primary recreation open space in accordance with Chapter Six.
3. The minimum dimension of any court yard between dwellings from which either dwelling may be entered should be a minimum of the average of the heights of the dwelling adjacent to the yard (a yard is considered between two structures if the angle between the building lines of the structures is less than ninety (90) degrees).
4. Storage for things such as tools, bicycles, ski equipment, etc. shall be incorporated into a multifamily development. Storage should be designed as an integral part of the development and be integrated with the architectural character of the dwellings. Storage facilities being incorporated into garages, carports and screening walls using materials and

details similar to those of the dwellings is encouraged .

5. The following design elements shall be considered and as appropriate, the Director may require that the developer address any or all of the same for any multifamily development:
  - a. The residential scale and character of a development should be the foremost design concern;
  - b. In projects of more than five (5) dwellings, the identity of the individual unit should be evident in the street elevation;
  - c. In conversion of an existing structure, an addition should respect the architectural character, detailing, lines and proportions of the existing structure. Additions should be integrated into the existing structure so that it is difficult to identify and it appears to have been a part of the original design of the structure;
  - d. Elevations which have different but compatible features for adjacent units should be considered;
  - e. The use of balconies, overhangs, covered patios, and trellis provide relief and contrast to the building and assist in breaking-up large wall surfaces;
  - f. When building elements, such as decks, chimneys, etc are repeated some alterations to details of those elements such as varying orientation, *etc.* should be used within the context of the overall design to provide interest and avoid monotonous repetition;
  - g. Mass of the building(s) should be reduced by varying setbacks and building heights of individual units;
  - h. Entries and stairwells should be an integral part of the building design. Consideration should be given to partially screening stairwells or using unique architectural treatments so that such features blend in with the overall building elevation.
  - i. Dwellings and other structures, such as carports, garages and storage units, should be designed in concert with each other by carrying certain details and design elements throughout the project;
  - j. Long rooflines should be varied providing different heights or varying roof orientations. Parapet walls should be interrupted by setbacks or varying heights to provide variety to the roof line;
  - k. The architectural detailing and treatment of windows and doorways should be strongly considered through the use of bay windows, recessed windows, raised borders, awnings, shutters or trellis. Use of clerestory windows is encouraged where appropriate;
  - l. The individuality and privacy of dwellings should be emphasized through the use of identifiable private or semiprivate entries;
  - m. Catwalks or long corridors lined with entrances to units is strongly discouraged; patio walls and fences should be an integral part of building design and should match the principal structure materials;
  - n. Mechanical equipment should be screened from public view and be located so as to be perceived as an integral part of the buildings; and

- o. Exterior perimeter walls of a project facing public streets should be compatible with the landscape theme and the main building materials.
- 6. Energy conservation measures in building design such as the use of solar heating and/or use of in-line hot water systems, efficient lighting, insulation *etc.* are strongly encouraged. Orientation and the use of appropriate landscape planting should optimize solar access in the winter while offering shade in the summer.
- 7. The relationship between a multifamily project and adjacent uses should take into account the type of adjacent uses, building scale, density and building heights. Particular sensitivity should be used when a multifamily project is proposed adjacent to residential uses of lesser density.
- 8. to minimize the impact of the multifamily development the Director shall have the authority to mitigate impacts through the imposition of one or more of the following conditions:
  - a. Additional landscaping to serve as buffer area;
  - b. Wider setbacks from property line;
  - c. Modifying the orientation of buildings;
  - d. Modifying the orientation of windows and balconies;
  - e. Providing screen walls;
  - f. Relocation of access ways;
  - g. Require that active recreation facilities be located to minimize the intrusion of noise into an adjacent residential area(s) or require a method for mitigating noise from the recreation area; and
  - h. Require that multifamily buildings be oriented to take advantage of pleasant off-site views and/or constructed to minimize or screen poor or obtrusive views. Views from elevated use areas such as balconies should be given careful consideration.
  - i. Open space and recreational facilities shall be provided in accordance with section 6.3.B.7.

**P. Religious Assemblies/Churches in Residential Districts.**

- 1. This section sets minimum standards for new construction and expansion of, or changes to, existing churches/church uses.
- 2. These requirements shall be applied no later than at the time of the site plan review.
  - a. Maximum seating capacity shall be based upon the seating capacity in the largest assembly area of the principal structure.
  - b. 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.
  - c. 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 zones.

- d. Churches with a maximum seating capacity of 301 to 600 require public notice if not located on a parcel or lot abutting a principal or minor arterial or collector street, as identified on the City's Grand Valley Circulation Plan.
- e. Churches with a maximum seating capacity greater than 600 require a public notice in all residential zones.
- f. Notwithstanding c through e above, churches in planned development districts must comply with the provisions of Chapter Five, planned developments and any and all requirements of general applicability as specified in this Code.
- g. Notwithstanding c through f above, churches in airport critical zones or clear zones must comply with Chapter Seven, land use regulation for land around airports and any and all requirements of general applicability as specified in this Code.
- h. Churches in all residential districts 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 Chapter Six. The front yard setback shall be counted towards the percentage of gross land area to be landscaped in multifamily zones;
  - (3) A minimum fifteen (15') foot side yard setback, or as required in the zone, whichever is greater, shall be required for the principal structure. A minimum five (5) foot side yard setback, or as required in the zone, whichever is greater, shall be required for accessory structure(s) on the rear half of the parcel;
  - (4) Where parking lots containing fewer than fifty-one (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;
  - (5) At least one (1) tree for each forty (40) linear feet or fraction thereof;
  - (6) At least forty percent (40%) of the landscaped area shall contain shrubs in accordance with the general landscaping requirements;
  - (7) Parking lots shall comply with Chapter Six;
  - (8) 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 Chapter Six;
  - (9) All trash containers shall be screened by a six (6) foot high sight obscuring fence or wall; and

- (10) 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.

**Q. Group Living Facility.**

1. Group Living Facility (“facility” or “group living facility”).
  - a. A Group Living Facility is a residential facility or use as defined by this Code that functions as a housekeeping unit comprised of unrelated persons receiving public or private supervision, care or treatment. Registration and compliance with other terms and conditions, as defined and described by this Code are required. A separate City license is not required.
    - (1) An **unlimited group living facility** is a group living facility shared by or the residence of 12 or more unrelated persons, exclusive of staff.
    - (2) A **large group living facility** is a group living facility shared by or the residence of more than eight (8) but fewer than twelve (12) unrelated persons, exclusive of staff.
    - (3) A **small group living facility** is a group living facility shared by or the residence of more than four (4) but eight (8) or fewer unrelated persons, exclusive of staff.
  - b. For the purpose of this section only, the following definitions shall apply:
    - (1) **Facility.** A single facility is a lot, parcel or tract of land, together with the structures located thereon.
    - (2) **Use.** The purpose, mission or activity for which land or buildings are designed, arranged or buildings are occupied or maintained. The group home use is specific to an organization and mission of the group home. A change in the organization and /or mission at a specific location constitutes a new group living facility.
    - (3) **Structure/Building.** Structure/building shall be defined in Chapter Nine.
    - (4) **Related.** Related means a person's: child, stepchild, foster child that is being adopted by a foster family, or other descendant, spouse, aunt, uncle, niece, nephew, parent, grandparent, great grandparent, or stepparent. (See, Chapter Nine, Group Living Facility, Family and Household)
  - c. Group living facilities as defined by this Code may or may not be licensed by the State. A facility, which is licensed by the state, regardless of category or size is a group living facility and is required to register with the City.
  - d. A use which does not fit within the definition of a group living facility, is not allowed within a residential district. It is a violation of this Code for four (4) or more unrelated persons to reside together in a structure if a use or service the same as or similar to those described below

- occurs therein unless permitted by the City as a group living facility.
2. Accessory uses authorized with a group living facility are indoor and on-site recreational facilities and parking of vehicles for occupants and staff. The Director may approve other accessory uses that will have substantially the same impacts; if disapproved the Director or the applicant may refer such matters to the Planning Commission.
  3. Examples of uses that are appropriate as group living facilities, if properly permitted, are listed below. See Table 3.5 Use/Zone Matrix. If the Director determines that a use is not appropriate or compatible with the neighborhood, even if it is described below, he may refer the question to the Planning Commission. A Community Corrections Facility, as defined by this Code is not a group living facility, and thus, shall not exist in a residential zone.
    - a. "Adult Day Treatment Facility" is a facility for the care of adults who require nursing or physician assistance and/or supervision during the day by licensed caregivers and staff, where the resident resides at the facility.
    - b. "Adult Foster Home" or "Family Foster Home" is a residence for the care of persons who are unable to live alone in safety.
    - c. "Alternate Care Facility" is defined in C.R.S. § 26-4-603 (3).
    - d. "Assisted Living Facility" is a: a) structured, supportive social living environment based on professionally designed and supervised treatment plan, oriented to the individual's habilitation or rehabilitation needs; or b) a supervised living environment that provides support, training or assistance with individual activities of daily living.
    - e. "Community Residential Home" is defined in C.R.S. § 27-10.5-102 (4).
    - f. "Family Care Home" is defined in C.R.S. § 26-6-102(4).
    - g. "Foster Care Home" is defined as a facility that is certified by the county department of human services or a child placement agency for child care in a place of residence of a family or person for the purpose of providing twenty-four hour family care for more than four (4) children under the age of eighteen years who is not related to the head of such home.
    - h. "Group Home for Persons with Mental Illness" is defined in C.R.S. § 30-28-115(2)(b.5).
    - i. "Group Home for the Developmentally Disabled" is defined in C.R.S. § 30-28-115(2)(a).
    - j. "Halfway Home" or "Halfway House" is a facility licensed by the State in which residents are provided supervision, counseling, training, or treatment of residents to facilitate their transition from a correctional institution to independent living.
    - k. "Homeless Shelter" is a structure or portion thereof in which sleeping accommodations are provided for the homeless. A homeless shelter that provides accommodations for more than six months in one year

for any one person shall comply with the group living facility regulations of this Code and any and all other applicable regulations. A shelter which provides accommodations for less than six months shall be considered "lodging" and shall be zoned as such.

- l. "Institutions providing life care" as "life care" is defined in C.R.S. § 12-13-101(5).
- m. "Nonprofit group home for the developmentally disabled" is defined in C.R.S. § 30-28-115(2)(b)(I)(A).
- n. "Nursing Facility" is defined in C.R.S. § 26-4-103(11).
- o. "Nursing Home" is a health care facility, other than a hospital, constructed, licensed and operated to provide patient living accommodations, twenty-four (24) hour staff availability and a selection of patient care services, under the direction and supervision of a registered nurse, ranging from continuous medical, skilled nursing, psychological or other professional therapies to intermittent health-related or paraprofessional personal care services.
- p. "Owner Operated Group Home" is defined in C.R.S. § 30-28-115(2)(b)(I)(B).
- q. "Personal Care Boarding Home" is defined in C.R.S. § 25-27-102(8).
- r. "Resident Health Care Facility" means a facility licensed by the State which provides protected living arrangements for four (4) or more persons who because of minor disabilities cannot, or choose not to, remain alone in their own home. The facility may serve the elderly, persons with minor mental or physical disabilities, or any other persons who are ambulatory or mobile and do not require continuous nursing care or services provided by another category of licensed health facility. The resident health care facility shall be considered the resident's principle place of residence.
- s. "Residential Child Care
- t. Facility" is defined in C.R.S. § 26-6-102(8).
- u. "Residential Substance Abuse Treatment Home" means a residential facility that provides twenty-four (24) hour staff supervision and may include a peer support structure to help applicants acquire and strengthen the social and behavioral skills necessary to live independently in the community. A residential substance abuse treatment home provides supervision, counseling and therapy through a temporary living arrangement and provides specialized treatment, habilitation, or rehabilitation services for persons with alcohol, narcotic drug or chemical dependencies.
- v. "Secure Residential Treatment Center" is defined in C.R.S. § 26-6-102(9).
- w. "Staff Secure Facility" is defined in C.R.S. § 19-1-103 (101.5).
- x. "Transitional Treatment Home" means a residential facility which provides twenty-four (24) hour staff supervision and a peer support structure to help residents acquire and strengthen the social and

behavioral skills necessary to live independently in the community. Such programs provide specialized treatment, habilitation or rehabilitation services for persons with emotional, psychological, developmental, behavioral dysfunctions or impairments. A transitional treatment home shall not include any persons referred by the State Department of Corrections.

- y. "Transitional Victim Home" means a residential facility which provides twenty-four (24) hour care and peer support to help victims of abuse or crime. A transitional victim home arranges for or provides the necessities of life and protective services to individuals or families who are experiencing a temporary dislocation or emergency which prevents them from providing these services for themselves or for their families. Treatment is not a necessary component of residential support services; however, care may be provided.
4. A Small Group Living Facility may be established in the RSF-R, RSF-E, RSF-1, RSF-2, RSF-4, RMF-5, RMF-8, RMF-12, RMF-16, RMF-24, RO (residential office) and B-1 districts, if licensed by the State for each program and service offered. A Small Group Living Facility is subject to a Conditional Use Permit in a B-2, C-1, C-2 and CRS districts.
5. A Large Group Living Facility is subject to a Conditional Use Permit in the RMF-5, RMF-8, RMF-12, RMF-16, RMF-24, RO, B-1, B-2, C-1 and C-2 districts.
6. Unlimited Group Living Facility may be established, subject to a Conditional Use Permit in RMF-12, RMF-16, RMF-24, RO, B-1, B-2, C-1 and C-2 districts.
7. If a Group Living Facility does not exceed the density of the zone in which it is located, then a Conditional Use Permit is not required. "Density" for the purpose of Group Living Facilities is defined in Section 3.6.B.3.i of this Code.
8. A Group Living Facility located in a commercial zone district (C-1 or C-2) is not subject to the following requirements: compatibility with architecture, use of the facility by other groups, use of the facility by nonresidents, and/or any other requirements which are specific to incompatibility with residential neighborhoods.
9. No person shall own, operate or manage any group living facility unless the facility(ies) is/are registered with the City. Registration shall expire on the anniversary date twelve (12) months after issuance.
  - a. Transitional Victim Homes are subject to registration but the address of such group living facilities shall not be required to be disclosed.
  - b. A group living facility that is not registered may be abated, prosecuted or otherwise subject to enforcement action under this Code.
10. **Continuance.**
  - a. All group living facilities which were in existence as such prior to the effective date of this ordinance may continue without regard to the provisions of this section, with the exception of all registration requirements. Such use may continue until the occurrence of any of the following:

- (1) Any expansion of the facility which results in an increase of the number of residents;
    - (2) Any expansion which results in a change of use, as defined by this section;
    - (3) Any expansion of common areas which does not result in more than 300 square feet per structure;
    - (4) Any expansion which results in further nonconformity under this Code;
    - (5) Any expansion due to damage or destruction of the facility, as provided in Sections 3.8c and e of this Code; or
    - (6) Abandonment of the group living facility use for a period of more than 12 months.
  - b. Any remodel which is an interior remodel and does not effect the size or the use of the facility is not an expansion which will require the facility to come into conformity under this Code.
  - c. If any expansion occurs as described in section (a) above, the facility shall conform to all requirements of this Code and the expansion shall be subject to approval by the Planning Commission after public hearing.
11. The Director shall approve the annual registration if the applicant, when registering or renewing a registration, provides proof that:
- a. The group living facility has a valid Colorado license, if any is required;
  - b. The group living facility is at least seven hundred and fifty (750) feet from every other group living facility;
  - c. The group living facility has complied with the applicable City, state and other building, fire, health and safety codes as well as all applicable requirements of the zone district in which the group living facility is to be located;
  - d. The architectural design of the group living facility is residential in character and generally consistent with the RO zone district;
  - e. Only administrative activities of the private or public organization sponsored, conducted or related to group living facilities shall be conducted at the facility;
  - f. The group living facility complies with the parking requirements of this Code; and
  - g. The maximum number of residents allowed is not exceeded.
12. A facility shall only be located or operated on a lot or parcel that contains:
- a. At least five hundred (500) square feet for each person residing in the group living facility, and;
  - b. The Director determines that public facilities and the neighborhood will not be adversely affected by the number of residents proposed and/or any uses offered or by the aggregate number of group living facilities in the Neighborhood.
13. A facility is considered to have an adverse affect on a neighborhood if one or more of the following standards are shown:
- a. Public and private services such as street, sewers, water and or utility systems are burdened by the group living facility, to the extent that usage exceeds that normally associated with such a use or in the particular neighborhood;

- b. The group living facility interferes with the peace, quiet and dignity of the neighborhood;
  - c. The group living facility creates, imposes, aggravates or leads to inadequate, impractical, unsafe or unhealthy conditions; or
  - d. The group living facility is found to be dangerous or unsafe due to an increased number of police visits, instigated by neighbors or for non-mandated purposes; or the existence of a single criminal act by a resident involving serious bodily injury or extensive property damage; or an increased number of incidences of criminal acts by residents involving bodily injury or property damage.
  - e. When considering whether an adverse impact exists, the Director shall consider the following:
    - (1) Whether the impact is real or perceived, based upon stereotypes of the population served by the group living facility;
    - (2) The existence of alarms and/or fences, in and of itself shall not constitute a safety issue which would be an adverse impact; or
    - (3) Whether complaints and/or police calls regarding the group living facility have been founded or unfounded.
14. Services provided within the group living facility shall be restricted to the residents of the facility. Any use which provides services for those other than current residents, which facility is located in a residential zone may allow additional persons up to the total number of residents permitted in that particular group living facility or the number of persons permitted in an Adult Day Care Center (twelve) to use the services of the use. For example, if there are currently eight (8) residents at the facility, no more than four (4) nonresidents may use the services the facility provides;
15. If the group living facility proposes to use or convert existing multifamily residences, adequate lot area shall be provided according to the requirements of the district, the requirements of the district shall be met and the intensity of the programs or services offered shall be compatible with the neighborhood.
16. Within thirty (30) days prior to making an application for registration of a new (including conversion of an existing building or buildings) group living facility, each applicant shall give mailed notice to and meet with, at a location convenient to the neighborhood: property owners within five hundred (500) feet from the proposed group living facility and those neighborhood groups which are registered with the City and which represent residents within one thousand (1000) feet of the group living facility.
- a. At the meeting, the applicant shall describe the facility and its proposed uses.
  - b. If a neighborhood meeting is required because of development application then only one neighborhood meeting, conducted in accordance with the more restrictive standard of this Code, shall be necessary.
  - c. Transitional victim homes, where confidentiality of the location is an integral part of the facility, shall not be required to hold a neighborhood meeting.
  - d. The Director may rely on any comments received by the residents of the neighborhood, or other interested persons when he makes his decision to register, deny, refer or register with conditions. The Director shall not be required to

research the comment or otherwise investigate the motive of the commenting party or parties, unless the Director relies on that information when making a decision.

17. Group living uses occurring in each structure, if more than one structure exists on a single group living facility property, may be limited in size and number if the Director determines that the neighborhood is adversely impacted by multiple uses occurring in one structure.
18. At least twenty (20) days in advance of any change of use, as defined by this section, the owner and/or operator shall report in writing to the Director such proposed change in the site, use, scope, type, number of persons or intensity of the group living facility. A change of residents or staff of the group living facility shall not, in and of itself, require a report to the Director.
  - a. The Director may disallow any change, refer the change to the Planning Commission or he may approve the change.
  - b. If the Director fails to act within twenty (20) business days, the proposed change is deemed approved; however, the owner or operator shall not implement any such change until the earlier of:
    - (1) The twenty day period has elapsed; or
    - (2) The Director's decision to disallow, allow or refer.
19. At least once each twelve (12) months, the owner or operator of each group living facility shall file a renewal application with the Director. Each such application shall describe each service or use of the facility including any changes from the prior application, including type of facility, licensure, structural changes, change of use and improvements.
  - a. A group living facility that is not registered may be abated, prosecuted or otherwise subject to enforcement action under this Code.
  - b. Within twenty (20) days after the group living facility has applied for registration or a renewal, the Director may refer the matter to the Planning Commission. The Director may make such a referral based on founded complaints, which show an adverse impact to the neighborhood, as defined by this section; failure to register or renew registration; unsatisfactory completion of the registration requirements; lapse of any State licensing or any change to the site, service or use or any suspected or actual noncompliance with a provision or provisions of this Code.
  - c. Within ten (10) days of the Director's decision, the owner or operator of a group living facility may appeal the Director's denial of an application or a condition imposed by the Director to the Zoning Board of Appeals. Appeals shall be in writing and perfected in accordance with Chapter Two of this Code. A denial or condition imposed by the Board of Appeals shall be final, pursuant to the Code.
20. Each group living facility for accused, convicted or adjudicated juveniles or adults is designed and located to assure the security of the facility itself, adjoining properties and the neighborhood. As a basis for this decision for renewal or denial of registration, the Director may rely on the number, type and frequency of police and/or other emergency responses at the Facility in the preceding twelve (12) month period;

21. Every group living facility for adult or juvenile offenders, defined as persons that are sent or taken to the facility because they have committed a crime or are accused of having committed a crime and the same is the reason for placement, shall be reviewed annually when the facility applies for annual registration.
  - a. The Mesa County Juvenile Community Corrections Board shall conduct the review, if the facility houses juvenile offenders or the Adult Community Corrections Board if the facility houses adult offenders. If the facility houses a combination of adult and juvenile offenders, the facility shall be reviewed by the juvenile board if there is a greater number of juveniles residing in the facility or by the adult board if there is a greater number of adults residing in the facility.
  - b. The review shall include but not necessarily be limited to criteria established by the Board and adopted by the City. Criteria shall be established and maintained by the Board and shall be based upon researched factors that have been demonstrated to be correlative to risk to the community, community expectations, prudent land use practices and legal standards. Before any criteria being used by the Board, the City shall review and adopt such criteria.
  - c. It is the responsibility of the group living facility that is being reviewed to provide to the Board with complete and accurate information regarding the types of offenders, the number of offenders, the average length of placements and responses to the other Board-established criteria.
  - d. The Board shall make a recommendation to the Director to register the facility, deny registration, or register with conditions. The Board shall take into consideration the interests of the community in light of the criteria established by the Board.
22. Group living facilities shall comply with all requirements of this Code, as well as the State licensing requirements, unless the City requirements are incompatible with State licensing requirements. In case of a conflict, the more stringent regulation shall apply.
23. The Director shall not approve an application, notwithstanding a recommendation from the Board to register or register with conditions, for a group living facility that houses one or more sex offenders, as defined by state law. The Planning Commission shall determine any such application. In addition to the other criteria, the Planning Commission shall consider whether the proposed owner/operator has established by clear and convincing evidence that any sex offender shall not directly impact the neighborhood and/or its residents. An appeal from a Planning Commission decision made under this paragraph 18 shall be in accordance with Colorado Rule of Civil Procedure 106(a)(4).
24. After one year of the effective date of this ordinance, the City Council shall examine the ordinance's effectiveness. If the Council determines at that time that the provisions have been effective, the review shall occur every three years thereafter.

**R. Telecommunication Facilities/Towers.**

1. **Purpose.** The purpose of this section is to regulate the placement, construction and modification of towers and/or telecommunications

facilities in order to protect the health, safety and welfare of the public, while at the same time not unreasonably interfering with the development of competitive wireless telecommunications in the City.

2. No telecommunications facilities and towers shall be altered, added to, installed or permitted unless the Director has approved a site plan review for the property and the facility or tower.
3. **Amateur Radio.** Radio communications, as licensed or regulated as such by the Federal Communications Commission that is less than ten (10) feet tall measured from grade or ten (10) feet higher than the highest point of the roof. This chapter does not apply to amateur radio equipment.
4. **Antenna.** Any device designed and intended for transmitting or receiving television, radio, microwave signals, or other electromagnetic waves. An antenna includes all mounting and stabilizing items such as a tower, a pole, a bracket, guy wires, hardware, connection equipment and related items.
5. **Colocation.** The location of wireless communication facilities on an existing structure, tower, or building in a manner so that an additional tower, structure or facility is not required.
6. **Satellite Dish.** An antenna, consisting of radiation element(s) that transmit or receive radiation signals, that is supported by a structure with or without a reflective component to the radiating dish, usually circular in shape with a parabolic curve design constructed of a solid or open mesh surface and intended for transmitting or receiving television, radio, microwave signals or other electromagnetic waves to or from earth satellites.
7. **Concealed or Stealth.** Any tower or telecommunications facility which is designed to enhance compatibility with adjacent land, buildings, structure and uses, including, but not limited to, architecturally screened roof-mounted antennas, antennas integrated into architectural elements and towers designed to not look like a tower such as light poles, power poles and trees. The term “stealth” does not necessarily exclude the use of uncamouflaged lattice, guyed or monopole tower designs.
8. **Telecommunication Facilities.** Any cables, wires, lines, wave guides, antennas and any other equipment or facilities associated with the transmission or reception of communications which a person seeks to locate or has installed upon or near a tower or antenna support structure.
9. **Tower.** A self-supporting lattice, guyed or monopole structure constructed from grade which supports telecommunications facilities. The term “tower” shall not include amateur radio operators’ equipment, as licensed by the FCC.
10. No site plan shall be approved until the applicant establishes, to the satisfaction of the Director or other decision making body, that the following are satisfied:
  - a. Towers and telecommunications facilities shall be located to minimize

any visual and other adverse impact to the neighborhood, especially residential areas and land uses. If the proposed location is on leased property, proof of possession is required.

- b. Telecommunications facilities and towers shall be set back from all adjacent residentially zoned or used property by a minimum of two hundred (200) feet or two hundred percent (200%) of the height of the proposed tower or facility, whichever is greater. Setback requirements shall be measured from the outside perimeter of the base of the tower, and every other vertical component of the telecommunication facility or tower higher than ten (10) feet, to any portion of the other property. If notice to the affected property owner is given, the Director may reduce any such setback by up to twenty-five percent (25%) if such reduction will allow a tower to be located so that the visual impact on the neighborhood is reduced. For example, a setback could be reduced to allow a tower to be located next to trees in order to partially shield the tower from view.
- c. All telecommunication facilities and towers shall be set back a minimum of eighty-five (85) feet from the property line or at a 2:1 ratio [two (2) feet of setback for every foot of tower height from the property boundary of the facility] which ever is greater, from nonresidentially zoned or used property.
- d. All telecommunications facilities and towers on public utility structures, facilities or property shall be exempt from the 2:1 setback requirement if they are no taller than the existing utility structure in said location and if approved by the Director.
- e. Monopole tower structures shall be separated from all other towers, whether monopole, self-supporting lattice or guyed, by a minimum of seven hundred fifty (750) feet.
- f. Self-supporting lattice or guyed towers shall be separated from all other self-supporting lattice or guyed towers by a minimum of 1,500 feet.
- g. **Location.** Shared use/colocation of wireless communication facilities on existing structures, towers or buildings in a manner that precludes the need for the construction of a freestanding structure of its own is encouraged. To that end, an application for an integral, concealed tower or telecommunication facility may be issued by the Director.
- h. **Height.** Amateur radio equipment, commercial antennas or equipment measured less than ten (10) feet tall from grade or ten (10) feet higher than the highest point of the roof may be approved by the Director. This shall also include antennas that are collocated on an existing tower for which collocation was approved through the Conditional Use Permit process.
- i. **City property and buildings.** Towers or facilities that can be constructed as an integral part or component of light standards,

buildings, utility structure or other structures at City parks or other City buildings facilities are encouraged. To that end, upon the payment of an appropriate fee, and compliance with any conditions imposed, the Director and the head of the City department, which operates such property or building, may co-issue a permit therefor.

- j. No new tower or facility shall be permitted unless the applicant demonstrates to the satisfaction of the Director that no existing tower, structure or utility facility can be used in lieu of new construction for the applicant's use. At a minimum, such applicant shall demonstrate that:
  - (1) No existing tower, facility or utility structure is located within a distance which meets the applicant's engineering requirements;
  - (2) No existing tower, facility or utility structure is located within a distance which meets the applicant's engineering requirements and which has sufficient structural strength or space available to support the applicant's telecommunication facility and related equipment;
  - (3) The applicant's proposed telecommunication facility will not cause unreasonable electromagnetic or other interference with the antennas on existing towers, structures or utility structures or that such existing facilities would interfere with the applicant's uses such that colocation is not possible;
  - (4) There is some other reasonable factor that render existing towers, facilities or utility structures unsuitable;
  - (5) No owner of existing towers, structures or utility structures, including the City and other governments, within a distance which meets the applicant's engineering requirements, will allow the applicant to place its telecommunication facility thereon or require unreasonable payment or terms; and
  - (6) The applicant shall submit evidence concerning structural and engineering standards prepared by a Colorado registered professional engineer. The safety of the property and the neighborhood shall be protected.
11. Every tower and telecommunication facility shall meet the regulations of the Federal Communications Commission (FCC) regarding physical and electromagnetic interference.
12. Every tower and telecommunication facility shall meet applicable health and safety standards for electromagnetic field (EMF) emissions as established by the FCC and/or any other federal or state agency having jurisdiction.
13. Only a concealed tower or telecommunications facility, the antennas of which all are located on existing vertical structures, is allowed within 1/8 mile from the right-of-way of: Grand Avenue from 1<sup>st</sup> Street to 12<sup>th</sup> Street; any portion of Monument Road within the City; 7<sup>th</sup> Street from North Avenue to the Colorado River; and other rights of way designated by

resolution of the City Council.

14. Only a concealed tower or telecommunication facility is allowed within a historic zone or area as designated by the City Council by resolution.
15. In addition to other requirements of this Code, each applicant for a tower or telecommunication facility shall provide the Director with an inventory of all of the applicant's existing tower(s) and/or telecommunication, and facility(ies) or approved sites for the facilities that are either within the City or are within one mile of the then existing border of the City. This information shall include:
  - a. A zone map specific to the application, from the City's zoning map drawn to scale, showing land uses and zoning designation of all uses within a quarter (1/4) of a mile.
  - b. A computer generated visual analysis from all adjacent rights-of-way, showing the relationship of the tower/facility to the topography and other spatial relationships deemed necessary or required by the Director to assess compliance with the Code. If there are more than four (4) such rights-of-way, the Director shall designate which rights-of-way shall be analyzed.
  - c. A description of the tower/facility's capacity which declares the number and type(s) of antennae(s) that it can accommodate or an explanation why their facility cannot be designated to accommodate other users.
  - d. An agreement retained by the City which commits the facility owner and its successors to allow shared use of the facility if an additional user(s) agree in writing to the reasonable terms and conditions of shared use. The applicant shall annually report to the Director: the names, addresses and telephone numbers of every inquiry for colocation; and the status of such inquiry.
  - e. The applicant shall provide evidence of mailed notice of a proposed tower or telecommunication facility to all abutting property owners within four (4) times the distance that the tower or facility is tall, or two hundred fifty (250) feet, whichever is greater, and to any neighborhood association that would be entitled to notice under this Code.
  - f. Any other information as required by the Director to evaluate the request, especially technical information.
16. Tower or telecommunication facilities mounted on existing structures of public utilities which have a franchise or other written permission from the City and concealed towers/telecommunication facility(ies) are permitted in all nonresidential zoning districts, unless otherwise specified by this Code. The Director may approve the placement, extension or replacement of a tower or telecommunication facility on an existing public utility structure up to fifty (50) feet above the highest point on the same. The Director may waive public notice and may waive any other submission requirement if he deems that the public interest shall not be harmed.

17. Towers and telecommunication facilities shall be designed and maintained: to minimize visual impact; carry gravity loads, wind loads and with safety measures as required by applicable regulations including adopted building codes; using concealment or stealth methods, such as camouflaging towers to look like light poles or trees, if at all possible; if colocated, to match the color, shape and look of the structure or facility to which they are attached; to use only non-specular materials. In order to be considered a concealed tower or telecommunication facility, the tower or telecommunication facility shall:
  - a. Be architecturally integrated with existing buildings, structures and landscaping, including height, color, style, massing, placement, design and shape;
  - b. Be located to avoid a silhouette and preserve view corridors to the east and the west of the Grand Mesa and the Colorado National Monument, as determined from viewing the tower or facility from anywhere within the original square mile of the City;
  - c. Be located on existing vertical infrastructure such as utility poles and public building or utility structures;
  - d. Roof mounted antennas shall be located as far away as feasible from the edge of the building. Antennas attached to the building should be painted or otherwise treated to match the exterior of the building;
  - e. Equipment shelters and antennas shall not extend more than ten (10) feet from the top of the building. Any deviation from this standard shall be reviewed and approved, disapproved or approved with conditions by the director;
  - f. Be located in areas where the existing topography, vegetation, buildings or other structures provide screening; and
  - g. The applicant/developer shall be required to structurally design the footing of the tower or antenna to support a tower or antenna which is at least fifteen (15) feet higher than that proposed by the applicant to accommodate colocations.
18. The property on which a telecommunication facility or tower is located shall be landscaped and screened, as follows:
  - a. A freestanding tower or telecommunication facility shall include landscaping planted and maintained according to a landscaping plan approved by the Director in accordance with the applicable landscaping requirements of the zoning district where the tower or facility is located. Landscaping may be waived or varied by the Planning Commission where the Commission determines that existing site vegetation is equal to or greater than that required by the Code; and
  - b. A six foot (6') high wall or fence or other suitable buffer yard shall surround a freestanding tower or telecommunication facility. Chain link with slats shall not constitute acceptable fencing nor shall it satisfy the screening requirement.

19. Only lighting required by a federal agency is allowed. The location of the lighting fixture(s) shall be such that the lights do not shine directly on any public right-of-way and that the light emitted is otherwise in compliance with this Code.
20. Only signage that is required by state or federal law is allowed. No advertising shall be permitted.
21. Each exterior tower or telecommunication facility equipment building(s) or cabinet(s) shall:
  - a. Not contain more than four hundred (400) square feet of gross floor area and shall not be more than twelve (12) feet in height; and
  - b. Maintain the minimum setback, landscaping and screening requirements of the zone in which it is located.
22. Any tower or telecommunications facilities being modified, demolished or rebuilt shall be brought into compliance with the standards adopted in this Code.
23. Every owner of a tower or telecommunications facility shall take special care to operate, repair and maintain all such facilities so as to prevent failures and accidents which cause damage, injuries or nuisances to the neighborhood and public. All wires, cables, fixtures and other equipment shall be installed in compliance with the requirements of the National Electric Safety Code and all FCC, FAA, state and local regulations and in such a manner that shall not interfere with radio communications, electronic transmissions or all other electromagnetic communications or otherwise cause a safety hazard.
24. Each new tower or facility shall be subject to a two (2)-year review by the Director. The review shall determine whether or not the originally approved number of antenna and design are still appropriate and necessary to provide adequate communications services.
25. The wireless telecommunication facility owner shall remove all wireless telecommunications facilities, which are not in use for any six (6)-month period, within three (3) months of the end of such six (6)-month abandonment. As a part of such removal, the owner shall revegetate the site so that it is compatible with the neighborhood. Abandonment shall only be determined by the City Council, after the owner has had notice and an opportunity to be heard.
26. No person shall construct or alter a telecommunications tower or facility without a permit therefor and without having first obtained the approval of the Director. To obtain such review, the applicant shall submit FAA Form 7460-1, Notice of Proposed Construction or Alteration. Form 7460-1 shall not be required for the following:
  - a. An amateur radio antennae if owned and operated by a federally licensed amateur radio operator or used exclusively for a receive-only antennae;
  - b. Any existing tower and antennae provided a building permit was issued for a tower or antennae prior to the adoption of this code;

- c. Emergency telecommunications facilities used exclusively for emergency services including, but not limited to, police, fire and operation of governmental entities; and
  - d. Any antennae used for FCC licensees engaged in AM, FM or television broadcasting.
27. Appeals of any decision shall be in accordance with Table 2.1.
  28. The Director may require the applicant to pay for any engineer or other consultant in order that the City may adequately evaluate the application.

**S. Transit Shelters and Benches**

1. A permittee shall only locate a transit shelter or bench at designated bus stops on designated bus routes.
2. The permittee shall remove each shelter, bench, concrete pad and any supports within 30 days after the transit stop or route is no longer designated.
3. The permittee shall only place a transit shelter or bench if it is anchored to a concrete pad or equivalent that is approved by the City Engineer.
4. The permittee shall only place or locate shelters and benches within the public right-of-way unless the City Engineer approves placement on private property. The permittee shall deliver the owner's written consent to such placement.
5. The permittee shall not place or locate or use any shelter or bench until the City has issued its planning clearance. The planning clearance shall not be valid unless any necessary license or revocable permit has also been issued and is valid. The planning clearance shall identify the boundaries of the shelter site.
6. The permittee shall comply with the *American's With Disabilities Act* and the applicable regulations.
7. The permittee shall provide regular maintenance and cleaning of all shelters and benches in accordance with the permittee's proposed maintenance schedule, as approved by the City Engineer. At a minimum, the permittee shall clean and maintain each shelter and bench and shelter and bench site twice each calendar week. The permittee shall continuously maintain each shelter and bench site to a good and workmanlike state, including but not limited to general repair, painting, removal of graffiti, removal of trash and debris and maintenance of lawn or landscaping around the shelter and bench area. The permittee shall clean and maintain shelters and benches within twenty-four (24) hours when requested by the City Engineer, Director or other City official.
8. The permittee shall diligently and continuously inspect, repair and replace as needed each shelter and bench so that no safety hazard exists at or on any shelter or shelter site of bench. In any event, the permittee shall remedy any such problem immediately when notified by a citizen, transit user or the City.
9. Before placement or construction, the permittee shall have obtained the City Engineer's approval of the permittee's proposed site plan of each transit shelter and bench site.
10. The permittee shall not place, locate or construct a shelter or bench within state or CDOT right-of-way without first having obtained a permit therefor from CDOT and having delivered a copy thereof to the City Engineer.
11. Unless the City Engineer approves otherwise in writing, the permittee shall not place

- any shelter or bench within five feet of any curb and/or gutter or in an area where the speed limit is 35 miles per hour or less. The City Engineer is not authorized to reduce said setback to be less than three (3) feet from the curb and/or gutter.
12. Unless the City Engineer approves otherwise in writing, when there is no curb and/or gutter or the posted speed limit is greater than 35 miles per hour, the permittee shall not place a shelter or bench within 10 feet of the edge of pavement or the travel portion, whichever is closer. The City Engineer is not authorized to reduce said setback to less five (5) feet from the edge of pavement or traveled portion.
  13. The permittee shall not place any shelter or bench in a way which impedes pedestrian, bicycle, wheelchair or motor vehicle travel. Site distance limitations also apply. No vertical or other supports for a shelter or bench shall be located closer than one (1) foot from any portion of any sidewalk or other pedestrian way.
  14. The permittee shall not place a bench or shelter on City property other than right-of-way without first obtaining the approval of the Director.
  15. The permittee shall abide by and enforce the following rules:
    - a. The amount or size of the sign (i.e. advertising) on each transit shelter shall be limited to two side panels (two sign faces) on the transit shelter, each of which shall not exceed 48" wide and 72" high.
    - b. The advertising panels shall only be illuminated by "back lighting" using fluorescent bulbs.
    - c. The Director may limit the lumens of any bulbs.
    - d. Shelter lighting shall be operated and maintained so it does not shine at, create glare for or constitute a hazard to pedestrians, bicyclists or motorists.
    - e. A third advertising panel may be provided along the rear of the transit shelter but only for public service messages or other public purposes as exempted in Section 4.2.C.
  16. The permittee shall not place a bench or shelter with a sign or advertising on or incorporated into it except on a principal arterial; minor arterial, major collector or designated Dial-A-Ride stop; provided by the adjacent property is not zoned for residential use.
  17. For purposes of this Section 4.3.S, these road classifications are as approved by the City in the Grand Valley Circulation Plan.
  18. The permittee shall not place or use a transit shelter or bench with a sign or incorporated advertising within the Main Street Shopping Park bounded by 2<sup>nd</sup> Street and 7<sup>th</sup> Street or within the North 7<sup>th</sup> Street Residential Historic District.
  19. Transit Benches.
    - a. Normally, one bench may be allowed by the City Engineer at each designated transit stop, however, s/he may authorize a second bench if the Permittee demonstrates a need based on ridership data.
    - b. The permittee shall ensure that each bench is located on a concrete pad sufficient in size to accommodate the bench supports and that there is two feet of foot space along the front of the bench.
    - c. The permittee may orient benches towards approaching traffic at an angle not to exceed 30 degrees from parallel to the traveled portion of the right-of-way.
    - d. The permittee shall ensure that no transit bench is located further than 20 feet

from a stop.

- e. The permittee shall not replace nor install any bench after the date hereof unless permittee has first obtained the written approval of the City Engineer.
- f. The permittee shall ensure that each bench is constructed and maintained using a "breakaway" anchor design. The City Engineer may specify the specifications of such design for all benches.
- g. The permittee shall ensure that the only sign or advertising on any bench is limited to a single face oriented to and parallel with the traveled portion of the right-of-way. The single sign face shall not exceed twelve (12) square feet in size with a maximum height of two (2) feet. Each bench sign shall not be illuminated nor reflective.

# CHAPTER FIVE

## PLANNED DEVELOPMENT (PD)

### 5.1 PURPOSE

- A. The planned development (PD) zone applies to mixed-use or unique single-use projects where design flexibility is desired and is not available through application of the standards established in Chapter Three. Planned development zoning should be used only when long-term community benefits, which may be achieved through high quality planned development, will be derived. The Director shall determine whether substantial community benefits will be derived. Specific benefits that the Director may find that would support a PD zoning include, but are not limited to:
1. More effective infrastructure;
  2. Reduced traffic demands;
  3. A greater quality and quantity of public and/or private open space;
  4. Other recreational amenities;
  5. Needed housing types and/or mix;
  6. Innovative designs; and/or
  7. Protection and/or preservation of natural resources, habitat areas and natural features.

### 5.2 DEFAULT STANDARDS

The use, bulk, development, improvement and other standards for each planned development shall be derived from the underlying zoning, as defined in Chapter Three of this Code. In a planned development context, those standards shall be referred to as default standards or default zone. The Director shall determine whether the character of the proposed planned development is consistent with the default zone upon which the planned development is based. Deviations from any of the default standards may be approved only as provided in this chapter and shall be explicitly stated in the zoning/rezoning ordinance. The planned development ordinance shall contain a provision that if the planned development approval expires or becomes invalid for any reason, the property shall be fully subject to the default standards.

### 5.3 ESTABLISHMENT OF USES

- A. **Uses Allowed.** At the time of zoning a parcel to PD, the City Council shall determine the allowed uses. Only uses consistent in type and density with the Growth Plan may be allowed within a PD. The type and density of allowed uses should generally be limited to uses allowed in the default zoning.
- B. **Adoption and Modification of Authorized Uses.** The City Council, at the time of establishing a PD zone shall list uses that are authorized by right or by conditional use permit. All uses, whether by right or conditional use permit, shall be subject to all applicable permit and approval processes established in this Code. The rezoning process shall be used to modify the authorized use list for any planned development.

## 5.4 DEVELOPMENT STANDARDS

- A. **Generally.** Planned development shall minimally comply with the development standards of the default zone and all other applicable Code provisions, except when the City Council specifically finds that a standard or standards should not be applied.
- B. **Residential Density.** Dwelling unit densities in planned development shall comply with the maximum and minimum densities of the Growth Plan or default zone unless the application satisfies the density bonus provisions established in Chapter Three.
- C. **NonResidential Intensity.**  
Nonresidential planned development intensity shall be established as a maximum floor area ratio (FAR) at the time of planned development approval. In determining the maximum FAR, the Planning Commission and City Council shall consider:
1. The Intensity of adjacent development;
  2. The demand for and/or mix of residential and nonresidential development in the proposed PD and in the vicinity of the proposed PD;
  3. The availability of transportation facilities, including streets, parking, transit facilities and bicycle/pedestrian facilities;
  4. The adequacy of utilities and public services; and
  5. The maximum FAR permitted in the default zone.
- D. **Mixed Use Intensity.**
1. Mixed use developments, in areas designated for residential development in the Growth Plan, shall not exceed the plan density minus one dwelling unit per 1,000 square feet of nonresidential development or portion thereof within the development. In mixed use developments, no more than ten percent (10%) of the land area may be dedicated to nonresidential uses.
  2. The maximum residential densities within mixed use developments designated for nonresidential development in the Growth Plan shall not exceed twenty-four (24) dwelling units per acre, minus one (1) dwelling unit per 2,000 square feet of nonresidential development or portion thereof. In such developments, residential uses shall not constitute more than seventy-five percent (75%) of total floor area.
  3. Mixed use residential development is eligible for density bonuses pursuant to Chapter Three.
- E. **Minimum District Size.**  
A minimum of five (5) acres shall be required for a planned development unless the Planning Commission recommends, and the City Council finds that a smaller site is appropriate for the development or redevelopment as a PD. In approving a planned development smaller than five acres, the Planning Commission and City Council shall find that the proposed development:
1. Cannot be developed under conventional zoning;
  2. Is adequately buffered from adjacent residential property;
  3. Mitigates adverse impacts on adjacent properties; and
  4. Is consistent with the goals and policies of the Growth Plan.
- F. **Development Standards.** Planned development shall meet the development standards of the default zone or the following, whichever is more restrictive. Exceptions may be allowed only in accordance with this section.

1. **Setback Standards.** Principal structure setbacks shall not be less than the minimum setbacks for the default zone unless the applicant can demonstrate that:
  - a. Buildings can be safely designed and that the design is compatible with lesser setbacks. Compatibility shall be evaluated under the Uniform Fire Code and any other applicable life, health or safety codes;
  - b. Reduced setbacks are offset by increased screening or primary recreation facilities in private or common open space;
  - c. Reduction of setbacks is required for protection of steep hillsides, wetlands or other environmentally sensitive natural features.
2. **Open Space.** All residential planned developments shall comply with the minimum open space standards established in Chapter Six or the open space requirements of the default zone, whichever is greater.
3. **Fencing/Screening.** Planned developments shall provide uniform perimeter fencing in accordance with Chapter Six.
4. **Compatibility.** Nonresidential design and construction shall be compatible with adjacent residential development.
5. **Landscaping.** Landscaping shall meet or exceed the requirements of Chapter Six of this Code.
6. **Parking.** Off-street parking shall be provided in accordance with Chapter Six of this Code.
7. **Street Development Standards.** Streets, alleys and easements shall be designed and constructed in accordance with TEDS and Chapter Six of this Code.

**G. Deviation from Development Default Standards.** The Planning Commission may recommend that the City Council deviate from the default district standards subject to the provision of any of the community amenities listed below. In order for the Planning Commission to recommend and the City Council to approve deviation the listed amenities to be provided shall be in excess of what would otherwise be required by the Code, and in addition to any community benefits provided pursuant to Density bonus provisions in Chapter Three. These amenities include:

1. Transportation amenities including but not limited to, trails other than required by the multimodal plan, bike or pedestrian amenities or transit oriented improvements, including school and transit bus shelters;
2. Open space, agricultural land reservation or land dedication of 20% or greater;
3. Community facilities for provision of public services beyond those required for development within the PD;
4. The provision of affordable housing for moderate, low and very low income households pursuant to HUD definitions for no less than twenty (20) years; and

5. Other amenities, in excess of minimum standards required by this Code, that the Council specifically finds provide sufficient community benefit to offset the proposed deviation.

## 5.5 PLANNED DEVELOPMENT PHASES

- A. **Transfer of Ownership.** No developer, owner or agent thereof shall sell, convey or otherwise transfer ownership of any planned development that has not been finally approved until such person has informed the buyer, in writing, of the property's exact status with respect to the planned development process and conditions of approval, if any. The City shall bear no liability for misrepresentation or failure to disclose terms and conditions by the owner or agent.
- B. **Outline Development Plan (ODP).** An Outline Development Plan (ODP) is an optional, but encouraged first step prior to an application for a preliminary development plan for a parcel of 20 or more acres. The purpose of an ODP is to demonstrate conformance with the Growth Plan, compatibility of land use and coordination of improvements within and among individually platted parcels, sections or phases of a development prior to the approval of a preliminary plan. Zoning for the entire property or for each development "pod" is established at ODP. With an ODP, the general pattern of development is established with densities assigned to individual "pods," which shall be the subject of future, more detailed planning.
- C. **Preliminary Plan.**
  1. **Applicability.**
    - a. **Approved ODP.** If the property has an approved ODP, the purpose of the preliminary development plan is to ensure consistency with the uses, density, bulk, performance and other standards of the approved ODP and PD zoning. Unless otherwise specified with the ODP, the development that has benefit of an approved ODP may submit either a site development plan or a subdivision plan as a preliminary plan. The Planning Commission and/or Council may require a site development plan if a site development plan is necessary to demonstrate that the proposed PD meets the purpose and intent of the ODP approval.
    - b. **No Approved ODP.** If the property has no approved ODP, rezoning of the property to planned development shall occur simultaneously with preliminary development plan review. Through the process the applicant must address and the reviewing bodies shall answer the question, "Should this use, with this specific intensity, designed in this particular manner, be constructed on this site?" In designing the plan, the applicant shall have the option of proposing either a site development plan or a subdivision plan. The Planning Commission and/or Council may require a site development plan if it is found that a site development plan is necessary to ensure the proposed PD meets the purposes and intent of the Growth Plan and this Code.
- D. **Final Development Plan.** The final development plan and subdivision plat are the literal blueprint for development of a planned development. The final development plan and the subdivision plat are necessary to ensure consistency with the approved

preliminary development plan, specific development requirements and construction requirements.

# **CHAPTER SIX**

## **DESIGN & IMPROVEMENT STANDARDS**

### **6.1 SITE ANALYSIS REQUIREMENT**

#### **A. Requirement.**

Each applicant for a major subdivision, planned development district or site plan review involving fifty (50) or more acres shall complete a site analysis as described below for the first step of the project. The Director may require all or any part of a site analysis for fifty (50) or fewer acres. The site analysis should identify major constraints, sensitive environmental areas, or the potential for expensive infrastructure installation, operation or maintenance costs. The application shall be based on the site analysis and avoid constrained or sensitive areas identified in the site analysis. All adjacent parcels, lots and property owned or under control of the applicant are to be considered together. Specific regulations applicable to property identified in Chapter Seven shall supercede the provisions in this Section.

#### **B. Study Elements.**

1. Each site analysis shall address the following aspects of the property included in the development application, unless the Director waives in writing one or more of the following:
  - a. Flood Hazards
  - b. Geology Hazards or conditions
  - c. Danger from Wildfire
  - d. Poor, swelling or unsuitable soils
  - e. Unusual, steep or dangerous topography and natural features
  - f. Vegetation and Habitat
  - g. Airport Hazards
  - h. Drainage
2. Each element shall be analyzed based on the latest available information and maps from private and public sources including:
  - a. Flood Insurance Rate Maps (FIRM) available from the Federal Emergency Management Agency (FEMA);
  - b. Geological hazard maps available from the Colorado Geologic Survey and from United States Geological Survey (USGS);
  - c. Soil maps available from the Natural Resources Conservation Service (NCRS);
  - d. Wildlife habitat maps from the Colorado Division of Wildlife;
  - e. Specific maps related to particular hazard or nearby land use, such as maps of the approaches to Walker Field Airport; and
  - f. National Wetlands Survey maps;

#### **C. Content.**

1. Flood, Geology, Wildfire, Soils, Topography, Natural Features, Vegetation, Habit and Airport Hazards.
  - a. Each site analysis shall identify the range of slopes present on the land. The analysis shall include the steepest and flattest areas of the project and the

percentage slopes within twenty-five (25) feet of areas proposed to be graded or developed with structures, driveways, or streets, down slope creep, debris flow, rockfall hazards, underground mines, soil contamination, subsidence, or shrink/swell soils.

- b. Significant natural features shall also be depicted including rivers, streams, ravines, ditches, drainage channels, irrigation canals, wetlands, bluffs, ridgelines, and rock outcroppings.
2. Areas with significant vegetative cover, including areas of more than 10,000 square feet covered with native shrubs (such as gambel oak), native coniferous trees (such as pinon pine and juniper), and native deciduous trees (such as cottonwoods), as well as each three or more trees of 6" caliper within a twenty foot radius circle and each wildlife habitat area or migration corridor with species identified on the property by the Colorado Division of Wildlife.
3. The applicant shall give the Director a series of map overlays for the project identifying the constraints based on all the information collected as provided in this Section and indicating the development potential for all areas on the site (such as low, medium and high). There shall also be a description of assumptions and methodology used to reach the conclusions shown on the maps and the text.

**D. Use of Results.**

The applicant will base its application on the maps, information and results from the site analysis to design a development plan in which the density/intensity is based on the constraints and potential of the property.

## **6.2 INFRASTRUCTURE STANDARDS**

**A. General.**

1. **Public Improvements.** The improvements described in this section must be built by the applicant and constructed in accordance with adopted standards. The applicant/developer shall either complete construction of all such improvements (in this section "infrastructure") prior to final City approval (such as a subdivision plat) or shall execute a Development Improvements Agreement. No improvements shall be made until the following required plans, profiles and specifications have been submitted to, and approved by, the City:
  - a. Roads, streets and alleys;
  - b. Street lights and street signs for all street intersections;
  - c. Sanitary sewer pipes and facilities;
  - d. Fire hydrants and water distribution system and storage;
  - e. Storm drainage system;
  - f. Irrigation system;
  - g. Right-of-way landscaping;

- h. Utilities, including but not limited to, telephone, cable, television, electric, and natural gas shall be provided by, and paid for, by the developer. All utilities shall be installed underground, prior to street or alley surfacing or construction, except when the development has less than 700 feet of frontage and/or when half street improvements are not required to be completed along the perimeter of the development as part of the project, then in the discretion of the Public Works Director a payment of cash-in-lieu of construction may be accepted. The payment amount shall be determined as set forth in the adopted fee schedule. Necessary above-ground facilities (*e.g.*, pedestals, transformers, and transmission lines of 50 KV capacity or greater) and temporary overhead lines may be allowed if deemed necessary by the City Engineer;
    - i. Other improvements and/or facilities as may be required by changing technology and the approval process;
    - j. Permanent survey reference monuments and monument boxes, [C.R.S. 38-51-101].
  - 2. **Guarantee of Public Improvements.** No development shall be approved until the City has accepted constructed infrastructure or the developer has executed a development improvement agreement along with adequate security [Section 2.19].
  - 3. **City Participation.** The City may elect to require the developer to coordinate construction with the City as required in this Chapter on the following basis:
    - a. If the developer, in order to provide safe access and circulation, must build or improve an arterial or collector street, the City may choose to participate in paying for a portion of the costs of paving these streets, including engineering, site preparation, base and pavement mat.
- B. **Streets, Alleys, Trails and Easements.**
  - 1. **Design Standards.**
    - a. Street and alley layouts shall conform to adopted street plans and other policies, as well as TEDS. No owner or developer shall propose a site design or plan which could result in the applicant controlling access to a street, alley or right-of-way.
    - b. Easements shall be provided as required for improvements and utilities. Alleys for utilities and infrastructure may be used.
    - c. A developer shall dedicate to the City such rights-of-way (*e.g.*, streets, sidewalks, trails, bicycle paths and easements) needed to serve the project in accordance with:
      - (1) The adopted Functional Classification Map and Grand Valley Circulation Plan as amended from time to time; and
      - (2) The Urban Trails Map, sidewalks, trails and/or bicycle plans and maps including riverfront trails.
    - d. Streets, alleys, sidewalks, trails and bikepaths shall be constructed in accordance with applicable City standards. If needed to provide safe and adequate access and circulation for residents, visitors, users and occupants, the applicant shall provide off-site infrastructure.

- e. Each project with one or more buildings (except detached dwellings) shall provide paved pedestrian walkway/sidewalk connections to nearby rights-of-way. Said connections shall be separate from parking and driveway areas.
  - f. Dedications required by Section 6.2.B.1.c shall be at no cost to the City. Dedications shall not be eligible for or require a refund or TCP credit.
2. **Transportation Capacity Payment (TCP) and Right-of-Way Improvements.**
- a. The developer shall pay to the City a Transportation Capacity Payment (TCP) and Right-of-Way Improvements as required by the Public Works Director (Director).
  - b. The Director may require that the developer pay for and/or construct improvements necessary for the safe ingress and/or egress of traffic to the development. Those improvements are defined as minimum street access improvements. Minimum street access improvements shall be defined by the most recent version of the City's Growth and Development Related Street Policy and/or TEDS. The Growth and Development Related Street Policy shall be reviewed by City Staff and adopted annually by Council Resolution.
  - c. No planning clearance for a building permit for any use or activity requiring payment of the TCP shall be issued until the TCP has been paid and minimum street access improvements have been constructed, paid for or adequately secured as determined by the Director. Adequate security shall be that allowed or required for a Development Improvement Agreement (DIA) under Section 2.19 of this Code.
  - d. The amount of the TCP shall be as set forth annually by the City Council in its adopted fee resolution. The TCP is minimally subject to annual adjustment for inflation based on the Consumer Price Index For All Urban Consumers (CPI-U), Western Region, size B/C, published monthly by the United States Department of Labor. (This information can be found at the internet site of <http://data.bls.gov/labjava/outside.jsp?survey=cu> ).
  - e. The TCP shall be used by the Director to make capital improvements to the transportation facilities in the City in accordance with the City's Growth and Development Related Street Policy, this Section, and other applicable provisions of the Zoning and Development Code.
    - (1) To pay debt service on any portion of any current or future general obligation bond or revenue bond issued after July 6, 2004 and used to finance major road system improvements;
    - (2) For the reconstruction and replacement of existing roads, the construction of new major road systems and improvements and/or for the payment of reimbursable street expenses (as that term is defined from time to time by the City's Growth and Development Related Street Policy) that are integral to and that add capacity to the street system.
    - (3) Traffic capacity improvements do not include ongoing operational costs or debt service for any past general obligation bond or revenue

bond issued prior to July 6, 2004 or any portion of any current or future bond issued after July 6, 2004 and not used to finance major road system improvements.

- (4) Capital spending decisions shall be guided by the principles, among others, that TCP funds shall be used to make capacity and safety 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 to the development from which the funds are collected are preferred over expenditures for improvements which are more distant in time and/or distance.
  - (5) No TCP funds shall be used for maintenance.
  - (6) TCP funds will be accounted for separately but may be commingled with other funds of the City.
  - (7) The Director shall determine when and where TCP funds shall be spent.
    - (A) As part of the two-year budget process.
    - (B) As required to keep pace with development.
  - (8) The TCP shall not be payable if the Director is shown by clear and convincing evidence, that at least one of the following applies:
    - (A) alteration or expansion of an existing structure will not create additional trips;
    - (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 an 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 that does not create additional trips;
    - (D) a structure is constructed in a development for which a TCP fee has been paid within the prior eighty four (84) months or the structure is in a development with respect to which the developer constructed Street Access Improvements and the City accepted such improvements and the warranties have been satisfied.
- f. If the type of impact-generating development for which a building permit is requested is for a change of land use or for the expansion, redevelopment or modification of an existing development, the fee shall be based on the net increase in the fee for the new land use type as compared to the previous land use type.
- g. In the event that the proposed change of land use, redevelopment or modification results in a net decrease in the fee for the new use or development as compared to the previous use or development, the developer may apply for a refund of fees previously paid with the consent of the previous person having made the payment and or constructed the improvements.

- h. For fees expressed per 1,000 square feet, the square footage shall be determined according to gross floor area, measured from the outside surface of exterior walls and excluding unfinished basements and enclosed parking areas. The fees shall be prorated and assessed based on actual floor area, not on the floor area rounded to the nearest 1,000 square feet.
- i. 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.
- j. Minimum Street access improvements include street and road improvements required to provide for the safe ingress and egress needs of the development as determined by the Director.
  - (1) Quality of service for any new development and/or for traffic capacity improvements shall be determined by the Director. The Director shall determine the acceptable quality of service taking into consideration existing traffic, streets and proposed development.
  - (2) Required right-of-way dedications shall be at no cost to the City.
- k. **Definitions.** The following terms and words shall have the meanings set forth for this Section.
  - (1) 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 City's, the County's, the State's or MPO's computer program(s). In the event that the models are inconsistent, the most advantageous to the City shall be used.
  - (2) "Convenience store," "hotel/motel," "retail," and other terms contained and with the meaning set forth in the Trip Generation Manual.
  - (3) 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.
  - (4) Percentage of new trips: Based on the most current version of ITE Transportation and Land Development Manual, and the ITE Trip Generation Manual.
  - (5) Unimproved/under-improved floor area: Has the meaning as defined in the adopted building codes.
- l. **Calculation of Fee.**
  - (1) Any person who applies for a building permit for an impact-generating development shall pay a Transportation Impact Fee in accordance with the most recent fee schedule prior to issuance of a building permit. If any credit is due pursuant to Section i. above, the amount of such credit shall be deducted from the amount of the fee to be paid.

**Table 6.2.A**

<b>Land Use Type</b>	<b>ITE Code</b>	<b>Unit</b>	<b>Fee</b>	<b>Factor</b>
<b>Residential</b>				
Single Family	210	Dwelling	\$1,500	1.00
Multifamily	220	Dwelling	\$1,039	0.69
Mobile Home/RV Park	240	Pad	\$ 754	0.50
Hotel/Motel	310/320	Room	\$1,414	0.94
<b>Retail/Commercial</b>				
Shopping Center (0-99KSF)	820	1000 SF	\$2,461	1.64
Shopping Center (100-249KSF)	820	1000 SF	\$2,311	1.54
Shopping Center (250-499KSF)	820	1000 SF	\$2,241	1.49
Shopping Center (500+KSF)	820	1000 SF	\$2,068	1.38
Auto Sales/Service	841	1000 SF	\$2,223	1.48
Bank	911	1000 SF	\$3,738	2.49
Convenience Store w/Gas Sales	851	1000 SF	\$5,373	3.58
Golf Course	430	Hole	\$3,497	2.33
Health Club	493	1000 SF	\$2,003	1.34
Movie Theater	443	1000 SF	\$6,216	4.14
Restaurant, Sit Down	831	1000 SF	\$3,024	2.02
Restaurant, Fast Food	834	1000 SF	\$6,773	4.52
<b>Office/Institutional</b>				
Office, General (0-99KSF)	710	1000 SF	\$1,845	1.23
Office, General >100KSF	710	1000 SF	\$1,571	1.05
Office, Medical	720	1000 SF	\$5,206	3.47
Hospital	610	1000 SF	\$2,418	1.61
Nursing Home	620	1000 SF	\$ 677	0.45
Church	560	1000 SF	\$1,152	0.77
Day Care Center	565	1000 SF	\$2,404	1.60
Elementary/Sec. School	520/522/530	1000 SF	\$ 376	0.25
<b>Industrial</b>				
Industrial Park	130	1000 SF	\$1,091	0.73
Warehouse	150	1000 SF	\$ 777	0.52
Mini-Warehouse	151	1000 SF	\$ 272	0.18

- (2) If the type of impact-generating development for which a building permit is requested is not specified on the fee schedule, then the Director shall determine the fee on the basis of the fee applicable to the most nearly comparable land use on the fee schedule. The Director shall determine comparable land use by the trip generation rates contained in the most current edition of *ITE Trip Generation Manual*.
- (3) In many instances, a building may include secondary or accessory uses to the principal use. For example, in addition to the production of goods, manufacturing facilities usually also have office, warehouse, research and

other associated functions. The TCP fee shall generally be assessed based on the principal use. If the applicant can show the Director in writing by clear and convincing evidence that a secondary land use accounts for over 25% of the gross floor area of the building and that the secondary use is not assumed in the trip generation for the principal use, then the TCP may be calculated on the separate uses.

- (4) **TCP fee Calculation Study.** At the election of the applicant or upon the request of the Director, for any proposed development activity, for a use that is not on the fee schedule or for which no comparable use can be determined and agreed by the applicant and the Director or for any proposed development for which the Director concludes the nature, timing or location of the proposed development makes it likely to generate impacts costing substantially more to mitigate than the amount of the fee that would be generated by the use of the fee schedule, a TCP fee calculation study may be performed.
- (5) The cost and responsibility for preparation of a fee calculation study shall be determined in advance by the applicant and the Director.
- (6) The Director may charge a review fee and/or collect the cost for rendering a decision on such study. The Director's decision on a fee or a fee calculation study may be appealed to the Zoning Board of Appeals in accordance with Section 2.18.B of this Code.
- (7) The TCP Fee Calculation Study shall be based on the same formula, quality of service standards and unit costs used in the Impact Fee Study. The Fee Study Report shall document the methodologies and all assumptions.
- (8) The TCP Fee Calculation Study shall be calculated according to the following formula:

**Table 6.2.B**

	FEE	=	VMT x NET COST/VMT x RF
<b>WHERE:</b>	VMT	=	TRIPS x % NEW X LENGTH ÷ 2
	TRIPS	=	DAILY TRIP ENDS GENERATED BY THE DEVELOPMENT DURING THE WORK WEEK
	% NEW	=	PERCENT OF TRIPS THAT ARE PRIMARY, AS OPPOSED TO PASSBY OR DIVERTED-LINK TRIPS
	LENGTH	=	AVERAGE LENGTH OF A TRIP ON THE MAJOR ROAD SYSTEM
	÷ 2	=	AVOIDS DOUBLE-COUNTING TRIPS FOR ORIGIN AND DESTINATION
	NET COST/VMT	=	COST/VMT – CREDIT/VMT
	COST/VMT	=	COST/VMC x VMC/VMT
	COST/VMC	=	AVERAGE COST TO CREATE A NEW VMC BASED ON HISTORICAL OR PLANNED PROJECTS (\$306 EXCLUDING MAJOR STRUCTURES)
	VMC/VMT	=	THE SYSTEM-WIDE RATIO OF CAPACITY TO DEMAND IN THE MAJOR ROAD SYSTEM (1.0 ASSUMED)
	CREDIT/VMT	=	CREDIT PER VMT, BASED ON REVENUES TO BE GENERATED BY NEW DEVELOPMENT (\$82)
	RF	=	REDUCTION FACTOR ADOPTED BY POLICY AT 52.6%

- (9) A TCP Fee Calculation Study submitted for the purpose of calculating a Transportation Impact Fee may be based on data information and assumptions that are from:
- (A) An accepted standard source of transportation engineering or planning data; or
  - (B) A local study on trip characteristics performed by a qualified transportation planner or engineer pursuant to an accepted methodology of transportation planning or engineering that has been approved by the Director.

3. **Public Right-of-Way Use.**
  - a. No structure, fence, sign, parking lot, detention/retention pond, or other temporary or permanent object or structure shall be constructed, maintained, or erected in any portion of any public right-of-way without first obtaining a revocable permit from the City. The City Engineer or other City official may allow traffic control devices, street signs, public notices, utility poles, lines and street banners [Chapter Four].
  - b. No person shall use, store, display or sell any goods, merchandise or any structure without having first obtained a revocable permit, except that this provision shall not be enforced in a manner which limits unreasonably any persons freedom of speech or assembly.
  - c. No commercial vehicle which exceeds one and one half (1-1/2) tons rated carrying capacity shall be parked in a public right-of-way which abuts any residential zone.
  - d. Overnight camping shall not be allowed in public right-of-way or in any private parking lot made available to the public, unless specifically permitted by the City for such use. Parking of an RV or any vehicle for more than seventy-two (72) hours shall not be allowed in a public right-of-way.
4. **Partially Dedicated Street.** Prior to any development or change of use which is projected to increase traffic generation by the greater of five (5) percent or ten (10) vehicle trips per day, the applicant shall dedicate right-of-way required to bring abutting streets into compliance with the adopted street classification map, or as otherwise approved by the City Engineer. Upon receipt of the appropriate deed, and if all other requirements have been met, the final development permit shall be issued.
5. **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 Director 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.
- C. **Irrigation Systems and Design.**

All required landscaped areas shall be irrigated according to section 6.5.B. The applicant shall comply with the standards in the SSID Manual.
- D. **Potable Water System.**
  1. All development and all uses shall be served by a water treatment and distribution system operated or approved by the City, unless such requirement is deemed unreasonable or impracticable, as determined by the Public Works and Utilities Director.
  2. Fire hydrants shall be placed and have fire flow capabilities in accordance with the City's ordinances.
- E. **Sanitary Sewer System.**

All lots and uses must be served by a sewer system connected to a public wastewater treatment facility.

**F. Stormwater Management.**

1. Requirement. All proposed development must provide for on-site runoff collection and conveyance in accordance with Stormwater Management Manual (SWMM) and applicable federal and state laws.
2. Drainage Fee In Lieu Of Providing Drainage Detention/Retention Facilities. Detention/retention and metered outlet facilities shall be required unless the Director of Public Works and Utilities, pursuant to the City's adopted stormwater drainage impact fee ordinance, finds:
  - a. the site runoff to private property will not increase due to development; and
  - b. 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.
3. Generally, options will be restricted to proposed developments which are five (5) acres or less for all phases and/or filings. There may be circumstances, however, where the Director may allow an option for larger sites if they are located low in a watershed basin or adjacent to major outfall facilities.
4. 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.
5. 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. The required drainage fee shall be accordance with the adopted fee schedule.
6. Developer selection of the drainage fee option, when allowed, does not waive the requirements for:
  - a. Providing an on-site grading and drainage plan; and
  - b. 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.
7. 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.

8. 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.

### **6.3 PUBLIC AND PRIVATE PARKS AND OPEN SPACES**

#### **A. Public Parks and Open Space Fee Required.**

1. For all new residential development requiring rezoning, subdivision and/or planned development approval or site plan review, the owner shall pay into the City escrow fund for parks and open space acquisition and development that amount determined by the City to be necessary or required to defray the cost of and provide parks and open space.
2. The dedication of land and/or the payment of the cash equivalent will enable the City to provide parks in the proper location and of the proper size to serve the citizens of the City. This regulation is also adopted to help discourage the proliferation of small parcels, tracts and outlots that are ostensibly created as open space and/or parks but are not sized, maintained or otherwise functional sites.
3. For subdivisions, the open space fee is required and payable at the time of platting. For all other reviews, the open space fee is required to be paid before the issuance of a planning clearance. For the purposes of this section only, development shall mean construction of one or more dwelling unit(s).
4. Private open space(s) and/or recreational area(s) in any development shall not be a substitute for the required open space fee, park impact fee or land dedication.
5. The Parks Impact Fee shall be as adopted by City Council by resolution.
6. The Parks Impact Fee shall not be waived or deferred for any development. The Open Space fee/dedication is discretionary, as provided for herein.

#### **B. Open Space Requirements.**

1. The owner of any residential development of ten or more lots or dwelling units shall dedicate ten percent (10%) of the gross acreage of the property or the equivalent of ten percent (10%) of the value of the property. The decision as to whether to accept money or land as required by this section shall be made, upon recommendation by the Director, by the Acting Body considering and deciding the underlying application. Subdivisions with less than ten lots or residential dwelling units are not required to dedicate ten percent (10%) of the gross acreage of the property or the equivalent of ten percent (10%) of the value of the property unless the developer or owner owns land adjacent to the proposed subdivision, in which case the Planning Commission shall determine the open space requirement. Multifamily development, other than townhomes, shall be subject to the open space requirement of Section 6.3.B.7 rather than the 10% dedication requirement.
2. For any residential development required to provide open space, the owner shall hire an MAI appraiser to appraise the property. For purposes of this requirement, the property shall be considered the total acreage notwithstanding

the fact that the owner may develop or propose to develop the property in filings or phases.

3. The appraisers report shall be submitted to the City for purposes of determining fair market value and otherwise determining compliance with this section of the Code. The owner shall pay all costs of the appraisal. The owner waives any privilege and/or protection that may exist or be asserted to exist over the details of the appraisal. The appraisal is and shall be considered by the City as an open record under the Colorado Open Records Act.
4. The required dedication and/or payment shall be subject to and made in accordance with this Code. The City Council may accept the dedication of land in lieu of payment so long as the fair market value of the land dedicated to the City is not less than ten percent (10%) of the value of the property.
5. As part of any project approval, the owner shall dedicate at no cost to the City, public trails, rights of way and waterfront greenbelts/access as designed on and as needed to implement adopted plans of the City. If such dedication is claimed to exceed constitutional standards, the owner shall so inform the City Attorney who if he agrees, shall ask the City Council to pay a fair share of the value of such dedication or waive all or part of such required dedication.
6. The City will normally not accept any dedication of less than three (3) acres.
7. Multifamily development with more than ten (10) units shall provide two hundred (200) square feet of base open space per bedroom, all of which shall be primary recreation area.
8. For creation of a homeowners association each subdivision of five (5) or more lots shall record covenants which shall contain provisions for assessments, liens and enforcement of maintenance of all private open space areas and provisions for enforcement by and reimbursement to the City should the homeowners association fail to maintain the areas properly and the City elects to do so.

**C. Trails.**

The owner of each project or change of use, which will increase pedestrian and/or bicycle use or trips, shall dedicate trail easements consistent with the City's adopted plans, subject to any claims as provided in the prior section. Trails shall be constructed in accordance with applicable City standards (see also section 6.2.B.1).

## **6.4 SCHOOL LAND DEDICATION FEE**

**A. 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 6.4.A.2 shall be paid in lieu of a school land dedication.

1. **Standard for Fee in Lieu of School Land Dedication.** Except in cases where a school land dedication is required in accordance with this chapter, or an exemption under this chapter applies, all development and all projects which contain a new dwelling 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.

2. **Payment, Prepayment, Exemption, Credit, and Refund of SLD Fee.**

- a. No building permit shall be issued for a dwelling, multiple-family dwelling or multifamily 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 (1) 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 multifamily 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 multifamily 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 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.

3. **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 nonresidential 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. Nonresidential buildings, nonresidential structures, or nonresidential 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.
4. **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.
5. **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 (3) percent 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.
- 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.

**B. Fees In Lieu of School Land Dedication (SLD Fees).**

1. 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.
2. 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.
3. 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. 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.

## 6.5 LANDSCAPE, BUFFERING AND SCREENING STANDARDS

- A. **Purpose and Goals.** The purpose of this section is to enhance the aesthetic appeal of new development. Landscaping reduces heat and glare, facilitates movement of traffic within parking areas, shades cars and parking surfaces reducing local and ambient temperatures, buffers and screens cars from adjacent properties, promotes natural percolation of surface waters, improves air quality, buffers and screens potentially incompatible uses from one another, and conserves the value of property and neighborhoods within the City.
- B. **General Landscape Standards.**
  - 1. All landscaping required by this Code shall comply with the standards and requirements of this Section 6.5. The landscaping requirements of this Code shall not apply to a lot zoned for one or two dwellings. Landscaping for new developments shall occur in buffer areas, all interior parking areas, along the perimeter of the property, around new and existing structures, and along street frontages and within any right-of-way not used nor planned to be used for infrastructure.
  - 2. **Plant Quantities.** The amount of landscaping is based on gross area of proposed development.
  - 3. **Landscaping Standards.** All new development must install and maintain landscaping as required by this Code. [See Exhibit 6.5.A for an example of the landscaping requirements of this section.]
    - a. On-site frontage landscaping may not apply in the B-2 zone downtown commercial. [see Zone District standards]
    - b. Landscaping in the abutting right-of-way is required in addition to

- overall site landscaping requirements.
  - c. Buffer landscaping is required in addition to overall site landscaping requirements.
- 4. **Acceptable Plant Material.** Vegetation must be suitable for Grand Junction's climate and soils. The Director may allow the use of any plant if sufficient information is provided to show suitability including salt tolerance, sun and shade requirements based on planting locations, growth habit, *etc.* Noxious weeds are not allowed. [The Director will keep a list of suitable plants.]
- 5. **Minimum Plant Sizes are:**
  - a. Shade Tree, 2" caliper (measured 6" above root ball) at time of planting. At maturity, a shade tree has a height and/or spread of thirty (30') feet or greater. If 2" caliper trees are not available due to seasonal shortages or shortages in desired varieties, the Director may approve the installation of smaller trees, provided the proportional difference in caliper inches is compensated for by installing additional trees. For example, the installation of six 1 1/2" caliper Shade Trees would result in a short fall of 3 caliper inches, which could be compensated for with two additional 1 1/2" trees. However, a minimum caliper of 1 1/2" shall be required.
  - b. Ornamental Tree, 1 1/2" caliper (measured 6" above root ball) at time of planting. At maturity, an ornamental tree has a spread and height between 15' and 30'.
  - c. Evergreen tree, 6 feet tall at time of planting.
  - d. Deciduous shrub, 5-gallon container.
  - e. Evergreen shrub, 5-gallon container.
  - f. Perennials and ground covers, 1-gallon container.
  - g. Turf mix, native grasses and wild flower mix are the only vegetation that may be planted as seed.
- 6. **Irrigation.** All vegetation and landscaped areas must be provided with a permanent irrigation system.
  - a. Non-potable irrigation water shall be used unless the Director allows the use of potable water.
  - b. An underground pressurized irrigation system and/or drip system is required for all landscape areas on the property and in any right-of-way.
  - c. If connected to a drinking water system, all irrigation systems require backflow prevention devices.
  - d. All irrigation for non-potable irrigation water systems must have adequate filters easily accessible above ground or within an appropriately sized valve box.
  - e. Native grasses must have a permanent irrigation source that is zoned separately from higher water demand landscapes. Once the grasses are established, irrigation to native grass areas can be reduced to a level that maintains coverage typical of the grass mix and to suppress weed growth.
- 7. **Landscape Plans and Equivalent Plants.**

- a. Landscape plans must identify the species and sizes of vegetation [SSID Manual].
  - b. All landscaping shall be installed as shown on the approved plan.
  - c. An equivalent species may be substituted in the field without prior approval of the Director, provided a revised drawing is submitted to the Department. Plants are “equivalent” if they have the same growth habit and rate, same cover, leafing, shade characteristics and function, have similar water requirements, thrive in the same microclimate, soils and water conditions.
  - d. All other changes to the landscape plan require prior approval from the Director.
  - e. All development plans shall designate required landscaping areas. Subdivision plats shall designate required landscaping areas.
8. **Preservation of Significant Landscape Features.** Existing landscape features such as escarpments, large or old trees or stands, heavy vegetative cover, ponds and bluffs shall be identified by the Director as part of the development review process. To the extent the Director deems practicable, such features shall be preserved by the final plans and to such extent, count toward landscape and open space area requirements. Features to be preserved shall be protected throughout site development. If a significant live feature which was to be preserved dies or is substantially damaged the developer shall replace it with an equivalent feature as determined by the Director. No person shall kill or damage a landscape feature required to be preserved by this section. The developer shall protect trees from compaction under the canopy drip line of the tree unless the City Forester says otherwise.
- a. During construction, fencing or similar barriers shall isolate and protect the landscape features to be preserved.
  - b. All protection measures shall be clearly identified on the construction and landscape plans.
  - c. No vehicles or equipment shall be driven or parked nor shall any materials be piled within the canopy drip line of any tree to be preserved.
9. **Protection of Landscape Areas.** All landscape areas (except in the right-of-way where a street side curb does not exist) shall be protected from vehicles through the use of concrete curbing, large rocks, or other similar obstructions.
10. **Utility Lines.** If the location of utilities conflict with the landscaping provisions, the Director may approve an equivalent alternative.
- a. Utility composite plans must be submitted with landscape plans.
  - b. Trees which will grow to a height of greater than 15 feet at maturity shall not be planted under electrical lines.
  - c. Ornamental and evergreen trees planted under an electrical line may count towards the total tree requirement.
11. **Sight Distance.** The owner shall maintain all vegetation, fences, walls and berms so that there is no site distance hazard nor road or pedestrian hazard.
12. The Director shall decide all questions of soils, plant selection and care, irrigation installation and other vegetation and landscaping questions.

13. Soil in landscape areas must be amended and all vegetation planted in accordance with good horticultural practices.
  - a. Details for the planting of trees, shrubs and other vegetation must be shown on the landscaping plans.
  - b. The owner shall keep each fire hydrant unobscured by plant material.
  - c. Shrub beds adjacent to turf or native grass areas are to be edged with concrete, metal, brick or substantial wood material. Plastic and other light duty edgings are not allowed.
  - d. Mulch and weed fabric are required for all shrub beds.
  - e. The minimum square footage of planting area for a 5-gallon evergreen or deciduous shrub is 16 square feet. These minimum square footages may be varied by a qualified professional.
14. **Trees.**
  - a. Trees should not be planted near a light pole if eclipsing of light will occur at maturity. Placing light poles in the parking lot, away from landscape area and between parking bays, helps eliminate this conflict and should be considered.
  - b. Tree canopies may overlap by up to 20% of the diameter of the tree at maturity. Tree clustering may be allowed with some species so long as clustering does not adversely affect the mature canopy.
  - c. At planting, tree trunks must be reasonably straight with minimal doglegs.
  - d. Wire baskets, burlap wrappings, rope, twine or any similar shipping materials shall be removed before planting.
  - e. The minimum square footage of planting area for a shade tree is 140 square feet. The Director may vary the minimum square footage.
15. **Maintenance.** The owners, tenants and occupants for all new and existing uses in the City must:
  - a. Maintain landscaping in a healthy, growing, neat and well maintained condition;
  - b. Maintenance includes watering, weeding, pruning, pest control, trash and litter removal, replacement of dead or diseased plant material, reseeding and other reasonable efforts.
  - c. Any plant that dies must be replaced with an equivalent live plant within ninety (90) days of notification or, if during the winter, by the next April 1st.
  - d. Hay mulch used during the preparation or establishment of landscaping must be certified weed-free by the Colorado Department of Agriculture.
  - e. On his own or based on a citizen complaint, the Director may, without notice and without a warrant, walk on the landscaped portion of the property from time to time to inspect the condition of landscaping.
16. **Public Right-of-Way.** Except where a detached sidewalk exists or is proposed and approved (see d. below), landscaping on public right-of-way shall not be counted toward any landscape or open space requirements of this Code, unless specifically provided otherwise in this Code.

- a. All unimproved right-of-way adjacent on the side abutting a development which is not in the City's five-year capital plan to be improved must be landscaped. All right-of-way landscaping shall be irrigated and maintained by the adjoining private property owner(s), unless the City agrees to accept it for maintenance. If it is to be maintained by the City, a separate irrigation system shall be provided.
  - b. At least seventy-five percent (75%) of the unpaved adjacent right-of-way shall be landscaped with turf, low shrubs or ground cover. The Director may vary the required landscaping to obtain a consistent appearance in the area or with existing or planned right-of-way landscaping.
  - c. The owner of the nearest property shall keep all rights-of-way, which is not hard surfaced, free of weeds, litter junk, rubbish and obstructions. To prevent weed growth, erosion and blowing dust, right-of-way areas not covered by vegetation or paving shall be covered with mulch, wood chips, bark chips, decorative rocks or cobble or similar natural materials, to be underlain by weed fabric or other barrier.
  - d. Where detached sidewalks exist, or are proposed, a maximum of 50% of the public right-of-way landscaping may be counted toward the total required landscaping. The right-of-way landscaping between the curb and sidewalk shall contain street trees spaced every forty feet (40').
  - e. The Director may allow decorative paving in landscaped areas in commercial or other high pedestrian traffic areas if the decorative paving is compatible with nearby right-of-way paving and landscaping.
17. **Pervious Coverage.** Landscaped and buffer areas count toward the pervious area requirement.
18. The Director may approve an applicant's request to vary from the required number and types of plants or landscaped area if:
- a. The number of trees exceeds twenty-five percent (25%) of the minimum number of trees; and/or
  - b. Trees exceed the minimum caliper requirement by one inch or more; and/or
  - c. Additional berming or other attractive buffering, public art, enhanced paving treatments for public plazas (brick or concrete pavers, tinted and stamped concrete, etc.) is provided. The Director may grant up to a 10% reduction of the square footage of improved area used to calculate the landscape requirement where these types of enhancements are included in a development.
  - d. Additional trees or larger trees can be exchanged on a per caliper inch basis with three shrubs equaling one caliper inch. Credit for using larger trees would be based on a direct exchange of caliper inches. For example: 10, 3" caliper trees equaling 30 caliper inches is the same as 15, 2" caliper trees equaling 30 caliper inches; 1, 2" caliper tree equals 6 shrubs. Trees may be substituted for shrubs, but shrubs may not be substituted for trees.
  - e. If the total amount of required landscaping is provided, the Director may

allow the owner to place the landscaping on another appropriate part of the lot.

19. If the Director is not the decision-maker, his authority shall be exercised by the decision-making body.
20. **Xeriscaping.** Because of Grand Junction's desert environment, xeriscaping and the use of xeric (low water use) plants are strongly encouraged. Xeriscape designs shall employ the seven basic principles of xeric design which include "comprehensive planning and design for low water use, creating practical turf areas, selecting low water use plants and organizing plants by water usage, using adequate soil prep, using water conserving mulches, irrigating efficiently and maintaining the landscape appropriately". (Source: Denver Water Board).
  - a. Low water use plants are encouraged for use in the "typical" urbanized landscape, especially where the plants can be irrigated (zoned) separately from higher water use plant material. This way of using xeric plants is compatible with any of the requirements of Zoning and Development Code.
  - b. Landscape designs that mimic the "desert" character of Grand Junction's setting are also encouraged, but must be carefully designed so that the basic requirements for shade, screening and buffering are met. Because of this, the Director must approve "desert" landscape installations as well as variances from the required plant coverage ratios or minimum plant sizes (*e.g.*, where xeric plants are only available in one gallon containers).

**C. Parking Lots.**

1. Interior Landscaping Requirement. Landscaping is required in the interior of parking lots to direct traffic, to shade cars and structures, to reduce heat and glare and to screen cars from adjacent properties. The interior of all parking lots shall be landscaped as follows:
  - a. One landscaped island, parallel to parking spaces, is required for each twenty (20) parking spaces. In lieu of the standard landscape island, one "orchard style" landscape island may be used for every six (6) parking spaces. The orchard style landscape islands shall be evenly spaced between end landscape islands. (see Exhibit 6.5.B)
  - b. Landscape islands must be at least one hundred forty (140) square feet. The narrowest/smallest dimension of a parking lot island shall be eight feet (8'), measured from back of curb to back of curb.
  - c. One (1) landscaped divider island, parallel to the parking lot drive aisles, designed to prevent diagonal movement across the parking lot, shall be located for every three parking lot drive aisles.
  - d. A landscape island is required at the end of every row of parking spaces, regardless of length or number of spaces.
  - e. Barrier curbing on all sides adjacent to the parking lot surface is required to protect each landscape islands from vehicles.
  - f. A corner area (where it is not feasible to park a vehicle) may be

- considered an end island for the rows on the perimeter of the parking lot.
- g. Landscaping of the interior of a parking lot shall include trees and shrubs.
2. **Parking Lot Perimeter.** Landscaping is required around the entire perimeter of a parking lot to assist in the shading of cars, to assist in the abatement of heat and to reduce the amount of glare from glass and metal, and to assist in the screening of cars from adjacent properties. The perimeter of a parking lot is defined as the curb line defining the outer boundaries of the parking lot, including dumpster enclosures, bike racks, or other support facilities that are adjacent to the outer curb. Entry drives between a parking lot and the street, drives connecting two internal parking lots or building entry plazas are not included in the perimeter area.
    - a. Screening shall occur between a street and a parking lot and Street Frontage Landscape shall apply. [Sections 6.5.C.3 and 6.5.D]
    - b. The minimum dimension allowed for the parking lot perimeter landscape strip is six feet (6'). The width of a landscape strip can be modified by the Director, provided the intent of this Section is met.
    - c. Landscaping along the perimeter of parking lots shall include trees and shrubs.
    - d. Parking lots shared by more than one owner shall be landscaped around the perimeter of the combined lots.
  3. **Screening.** All parking lots abutting rights-of-way, entry drives, and adjacent properties must be screened. For this subsection, a screen means a turf berm and/or shrubs.
    - a. A thirty-inch (30") high screen is required along seventy percent (70%) of parking lots abutting rights-of-way, entry drives, and adjacent properties, excluding curb cuts. The 30" screen shall be placed so as to maximize screening of the cars in the parking lot, when viewed from the right-of-way and shall be measured from the ground surface, or the elevation of the roadway if the adjacent road is higher than the property.
    - b. Screening shall not be required between parking lots on adjoining lots where the two lots are designed to function as one.
    - c. If a landscape area is thirty feet (30') or greater between a parking lot and a right of way, the thirty inch (30") high screen is not required. This thirty foot (30') wide or greater area must be one hundred percent (100%) covered in plant material within three (3) years. Turf is allowed.
    - d. The Director may approve a screen wall between a parking lot and a right-of-way if the lot or parcel is unusually small.
    - e. A screen wall must not be taller than thirty inches (30"), unless the adjacent roadway is higher than the property, in which case the screen wall shall be 30" higher than the adjacent roadway.
    - f. Two (2) five-gallon shrubs may be substituted for four (4) linear feet of wall.
    - g. A column or jog or equivalent architectural feature is required for every twenty-five (25) linear feet of wall.

- h. The back of the wall must be at least thirty inches (30") from the face of curb for bumper overhang.
- i. Shrubs must be planted on the street side of the wall.
- j. There must be at least five feet (5') between the right of way and the paved part of a parking lot to use a wall as a screen.
- k. Wall elevations and typical cross sections must be submitted with the landscape plan at a minimum scale of one half inch = one foot ( $\frac{1}{2}'' = 1'$ ).
- l. Walls shall be solid masonry with finish on both sides. The finish may consist of stucco, brick, stone or similar material. Unfinished or merely painted concrete block is not permitted.
- m. Shrub plantings in front of a wall are not required in the B-2 Downtown District.

**D. Street Frontage Landscape.**

- 1. Street Frontages. Within all zones (except single family uses in Single Family Zone Districts), the owner shall provide and maintain a minimum 14' wide street frontage landscape adjacent to the public right-of-way.
- 2. A minimum of seventy-five percent (75%) of the street frontage landscape shall be covered by plant material at maturity.
- 3. The Director may allow for up to 50% of the 14' wide street frontage to be turf, or up to 100% turf coverage may be allowed if the parking lot setback from the right-of-way exceeds 30'. Low water usage turf is encouraged.
- 4. All unimproved right-of-way adjacent to new development projects shall be landscaped and irrigated by the owner and/or homeowners association as per the sections of this code.
- 5. Landscaping within the street frontage shall include trees and shrubs. If detached walks are not provided with street trees, street trees shall be provided in the street frontage landscape, including one tree for every forty feet (40') of street frontage.
- 6. Where detached walks are provided, a minimum street frontage landscape of five feet (5') is acceptable.

**E. Buffers.**

- 1. **Zone District Buffering.** Buffers shall be provided between different zoning districts as indicated on Exhibit 6.5.C.
  - a. Seventy-five (75%) of each buffer area shall be landscaped with turf, low shrubs or ground cover.
  - b. One (1) medium sized tree is required per every forty (40) feet of boundary between different zones.
- 2. **Exceptions.**
  - a. Where residential or collector streets or alleys separate zoning districts, the Director can require more landscaping instead of a wall or fence.
  - b. Where walkways, paths, or a body of water separates zoning districts, the Director may waive a fence or wall requirement provided the buffering objectives are met by private yards.
  - c. Where a railroad or other right-of-way separates zoning districts the Director may waive the buffer strip if the buffering objectives are met

without them.

**F. Fences, Walls and Berms.**

1. **Fences and Walls.** Nothing in this Code shall require the “back-to-back” placement of fences and/or walls. If an existing fence or wall substantially meets the requirements of this section, an additional fence on the adjacent developing property shall not be required. (Table 6.5 should be referenced to determine when a wall or a fence is required. The more stringent standard shall apply *i.e.*, if a wall is required and a fence is in place, the wall must be placed adjacent to the fence.) Fences and walls must meet the following:
  - a. Maximum height: six feet (6’) outside of front setback, thirty-inch (30”) height within the front setback and must meet all sight distance requirements.
  - b. Fence type: solid wood or material with a similar appearance, finished on both sides.
  - c. Wall type: solid masonry finished on both sides. Finish may consist of stucco, brick, stone or similar material but unfinished or merely painted concrete block is not permitted.
  - d. Location: within three feet (3’) of the property line unless the space is needed to meet landscaping requirements.
  - e. A wall must have a column, or other significant architectural feature every thirty feet (30’) of length.
  - f. Any fence or wall over six feet (6’) in height requires a building permit
  - g. No person shall construct or maintain a fence or a wall without first getting a fence/wall permit from the Director.
2. **Berms.** Minimum requirements for berms are as follows:
  - a. Maximum slope of four to one (4:1) for turf areas and three to one (3:1) shrub beds; and
  - b. To control erosion and dust, berm slopes must be stabilized with vegetation or by other means consistent with the requirements for the particular landscape area.

**G. Residential Subdivision Perimeter Enclosures.**

1. **Intent.** The decision-maker may approve (if requested by the applicant) or require (where deemed necessary) perimeter enclosures (fences and/or walls) around all or part of the perimeter of a residential development. Perimeter enclosures shall be designed to meet the following objectives of protecting public health, safety and welfare screen negative impacts of adjoining land uses, including streets; protect privacy; maintain a consistent or complementary appearance with enclosures in the vicinity; maintain consistent appearance of the subdivision; and comply with corridor overlay requirements.
2. **Specifications.** Unless specified otherwise at the time of final approval:
  - a. A perimeter enclosure includes fences, walls or berms, and combinations thereof, located within five (5) feet of the exterior boundary of a development.
  - b. The maximum height is six (6) feet (including within front setbacks); however, an enclosure constructed on a berm shall not extend more than

- eight (8) feet above the adjoining sidewalk or crown of road, whichever is lower.
- c. New enclosures shall be compatible with existing enclosures in the vicinity, if such enclosures meet the requirements of this Code.
  - d. A perimeter enclosure in excess of six (6) feet is a structure and requires a building permit.
  - e. A perimeter wall must have a column or other significant architectural feature every thirty (30) feet.
3. **Required Perimeter Enclosures.** The decision-maker may require a perimeter enclosure as a condition of the final approval if:
- a. Use or enjoyment of property within the development or in the vicinity of the development might be impaired without a perimeter enclosure.
  - b. A perimeter enclosure is necessary to maintain a consistent and complementary appearance with existing or proposed perimeter enclosures in the vicinity.
  - c. A perimeter enclosure is necessary to control ingress and egress for the development.
  - d. A perimeter enclosure is necessary to promote the safety of the public or residents in the vicinity.
  - e. A perimeter enclosure is needed to comply with the purpose, objectives or regulations of the subdivision requirements.
  - f. A perimeter enclosure is needed to comply with a corridor overlay district.
  - g. The Director will notify applicants of the need for a perimeter enclosure, if required.
4. **Design of Perimeter Enclosures.** A complete landscape plan for the required landscape buffer and a detail drawing of the perimeter enclosure must be submitted at the time of final approval: perimeter enclosure detail at a scale of one half inch equals one foot ( $\frac{1}{2}''=1'$ ).
5. **Landscape Buffer.** On the outside of a perimeter enclosure adjacent to a right-of-way, a fourteen-foot (14') wide landscape buffer shall be provided between the perimeter enclosure and the right-of-way for Major and Minor Arterial streets and Urban Collectors. A five foot (5') wide landscape buffer for side and rear yard perimeters shall be provided on all other streets between the perimeter enclosure and the right-of-way.
- a. Vegetation in the sight triangle (see TEDS) shall not exceed thirty inches (30'') in height at maturity;
  - b. In the landscape buffer, one (1) tree per forty (40) linear feet of perimeter must be provided;
  - c. All perimeter enclosures and landscape buffers must be within a tract dedicated to and maintained by the Homeowners' Association. The perimeter enclosure and landscaping must be installed by the developer and made a part of the Development Improvements Agreement.
  - d. A minimum of seventy-five percent (75%) of the landscape buffer area shall be covered by plant material at maturity. Turf may be allowed for

- up to 50% of the 14' wide landscape strip, at the Director's discretion. Low water usage turf is encouraged.
- e. Where detached walks are provided, a minimum buffer of 5' shall be provided. In which case, the right-of-way parkway strip (area between the sidewalk and curb) will also be planted as a landscape buffer and maintained by the HOA.
  6. **Construction of Perimeter Enclosures.** The perimeter enclosure and required landscape buffer shall be installed by the developer and included in the Development Improvements Agreement.
  7. **Ownership and Maintenance.** The developer shall refer to the perimeter enclosure in the covenants and restrictions and so that perpetual maintenance is provided for either that the perimeter enclosure be owned and maintained by the owner's association or by individual owners. The perimeter enclosure shall be identified on the plat.
  8. **Alternative Construction and Ownership.** If the decision-maker finds that a lot-by-lot construction, ownership and/or maintenance of a perimeter enclosure landscape strip would meet all applicable objectives of this section and the design standards of Section 6.7 of this Code, the final approval shall specify the type and size of materials, placement of fence posts, length of sections, and the like.
  9. **Overlay District Conflicts.** Where in conflict, the perimeter enclosure requirements or guidelines of approved overlay districts shall supersede the requirements of this section.
  10. **Variances.** Variances to this section and appeals of administrative decisions (where this Code gives the Director discretionary authority) shall be referred to the Planning Commission.

#### **H. I-1 and I-2 Zone Landscape**

1. **Parking Lot Interior Landscape.** Landscaping for the parking lot interior shall be per Section 6.5.C.1, with the following additions:
  - a. Shade trees are to be provided at a rate of one (1) shade tree for every six (6) parking spaces and distributed throughout the landscape islands, perimeter landscape and screens to maximize shade and screening.
  - b. A minimum of one (1) shrub shall be provided for every twenty-five (25) square feet of each landscape island.
2. **Parking Lot Perimeter Landscape.** Landscaping for the parking lot perimeter shall be per Section 6.5.C.2 with the following addition:
  - a. Turf may be allowed for up to 50% of the parking lot perimeter, at the Director's discretion. Low water usage turf is encouraged.
  - b. A minimum of 75% of the parking lot perimeter landscape shall be covered by plant material at maturity.
3. **Street Frontage Landscape.** Landscaping for the street frontage shall be per Section 6.5.D with the following additions:
  - a. Vegetation in the sight triangle in the street frontage must not exceed thirty inches (30") in height at maturity.
  - b. One (1) tree for every forty linear feet (40') of street frontage (excluding

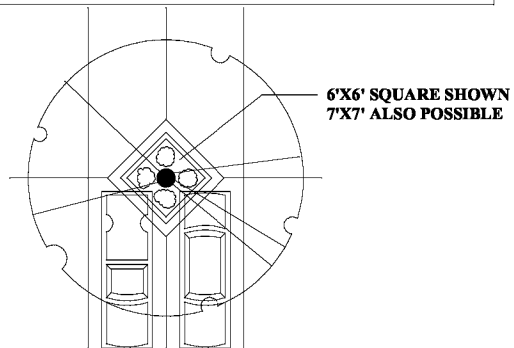
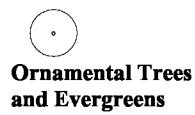
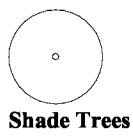
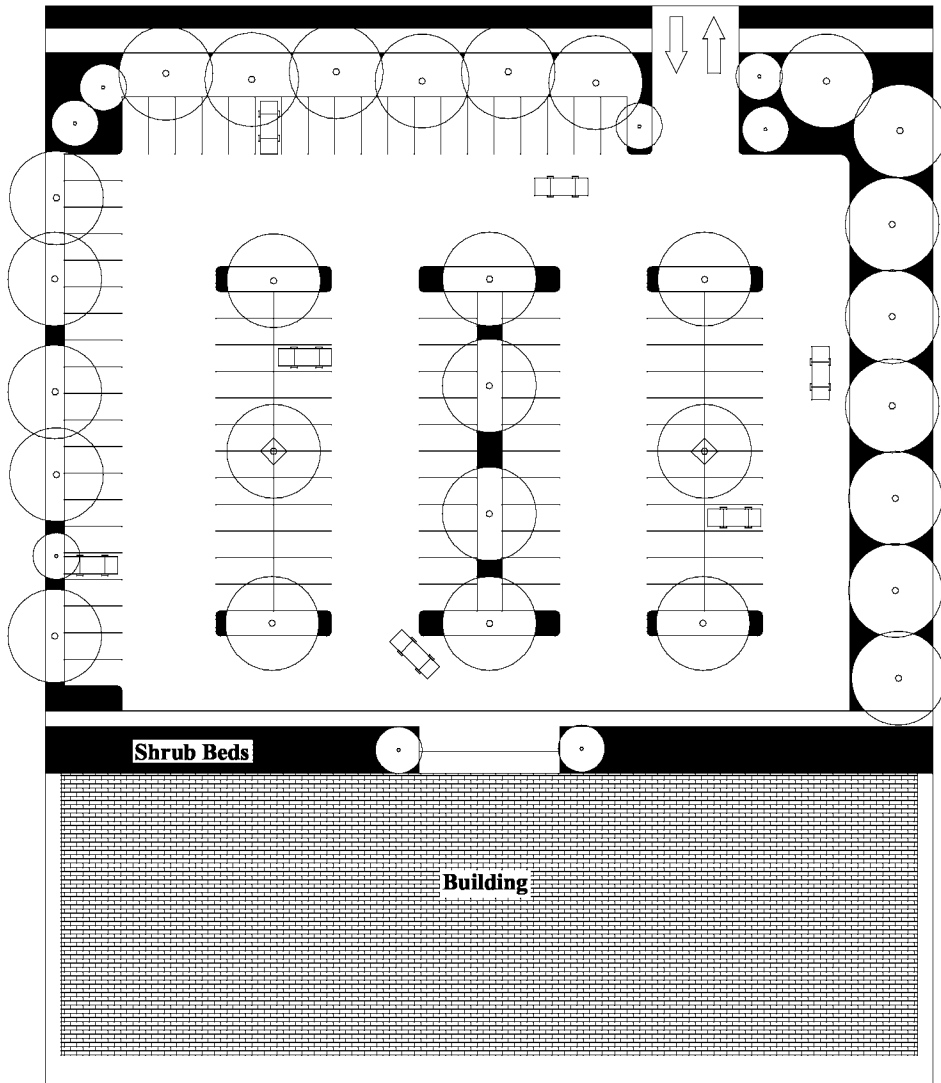
curb cuts) must be provided, 80% of which must be shade trees.

4. **Side Yard Landscape.** The first fifty feet (50') of side yard (beginning at the front property line) shall be landscaped. The minimum width of this landscape area shall be six feet (6') and the landscape shall include at least one (1) shade tree, or two (2) ornamental trees, or two (2) evergreen trees, with the remainder of the ground plane covered with shrubs that will grow to at least 30" in height at maturity.
5. **Public Right-of-Way Landscape.** Landscaping for the public right-of-way shall be per Section 6.5.B.16.
6. **Maintenance.** Each owner or the owner's association shall maintain all landscaping.
7. **Other Applicable Sections.** The requirements of Exhibits 6.5.A, 6.5.B, 6.5.C and 6.5.D shall also apply.

## Exhibit 6.5.A LANDSCAPING REQUIREMENTS

Zoning of Proposed Development	Landscape Requirement	Location of Landscaping on Site
Single Family Residential (RSF Zones)	As required for uses other than single family residential; and as required in 6.5.G and 6.5.B.16	As required for uses other than single family residential; and Landscape Buffer and Public Right-of-Way
RMF-5, RMF-8, RMF-12, RMF-16, RMF-24, R-0, B-1, B-2, C-1, C-2, I-0, CSR, MU	One tree per 2,500 square feet of improved area, with no more than 20% of the total being Ornamental Trees or Evergreens. One 5-gallon shrub per 300 square feet of improved area.	Buffer, Parking Lot, Street Frontage Perimeter, Foundation Plantings and Public Right-of-Way
I-1, I-2	As required in 6.5.H and in other Sections of Chapter 6.5 where applicable	Street Frontage, Parking Lots, Buffers and Public Right-of-Way
* Facilities listed below	One tree per 5,000 square feet of improved area One 5-gallon shrub per 600 square feet of improved area	Perimeter, Buffer and Public Right-of-Way
* Mining, Dairy, Vineyard, Sand or Gravel Operations, Confined Animal Feeding Operation, Feedlot, Forestry Commercial, Aviation or Surface Passenger Terminal, Pasture		
<p><b>Notes:</b></p> <ol style="list-style-type: none"> <li>1. Twenty-five percent (25%) of the required shrubs may be converted to turf based on one 5-gallon shrub per 50 square feet of turf.</li> <li>2. Ten percent of the required shrubs may be converted to perennials and/or ground covers at a ratio of three 1-gallon perennials and/or ground covers for one 5-gallon shrub.</li> <li>3. Species diversity: The percent of any one type of shrub that can be planted in a development shall be as follows: <ol style="list-style-type: none"> <li>a. 10 – 19 shrubs: 50%</li> <li>b. 20 – 39 shrubs: 33%</li> <li>c. 40 – 59 shrubs: 25%</li> <li>d. 60 or more shrubs: 15%</li> </ol> </li> <li>4. Species diversity: The percent of any one type of tree that can be planted in a development shall be as follows: <ol style="list-style-type: none"> <li>a. 0 – 5 trees: No Limitation</li> <li>b. 6 – 21 trees: No more than 50% of one species</li> <li>c. 21 or more trees: No more than 20% of one species</li> </ol> </li> <li>5. When calculating tree and shrub quantities, any fraction of a shrub or tree or other requirement is rounded up to the next whole number.</li> <li>6. With the approval of the Director, the number of shrubs may be reduced in exchange for additional trees or tree size at a rate of three shrubs per caliper inch.</li> <li>7. Improved Area means the total lot area being used including the building, parking lot, and storage or display areas. The improved area can be adjusted by the Director.</li> </ol>		

**Exhibit 6.5.B**  
**An Example Tree Landscape Plan**  
**Demonstrating Tree Size and Parking Lot Island Options**



**ORCHARD-STYLE LANDSCAPE ISLAND**

**Exhibit 6.5.C**  
**BUFFERING BETWEEN ZONING DISTRICTS**

Zoning of Proposed Development	Zoning of Adjacent Property												
	SF	RMF-5	RMF-8	RMF-12 & RMF-16	RMF-24	R-O	B-1	B-2	C-1	C-2 & I-O	I-1	I-2	CSR
SF (Subdivisions)	-	-	-	-	-	-	F	F	-	W	W	W	-
RMF-5	-	-	-	-	-	-	F	F	-	W	W	W	-
RMF-8	A&F <sup>1</sup>	-	-	A or F	A or F	A or F	F	F	-	W	W	W	-
RMF-12 & RMF-16	A&F	A&F	A&F	A&F	A or F	A or F	F	F	W	W	W	W	-
RMF-24	A&F	A&F	A&F	A&F	A or F	A or F	F	F	W	W	W	W	-
RO	A	A	A	A	A	-	A or F	A&F	A or F	W	W	W	-
B-1	A&F	A&F	A&F	A&F	A&F	A&F	A&F <sup>2</sup>	A&F <sup>2</sup>	A&F <sup>2</sup>	A or F	A or F	A or F	-
B-2	A	A	A	A	A	A	-	-	-	-	A or F	A or F	-
C-1	A&W	A&W	A&W	A&W	A&W	A&W	-	-	-	-	A or F	A or F	F
C-2 & I-O	A&W	A&W	A&W	A&W	A&W	A&W	A&F	-	-	-	A or F	A or F	A&F
I-1	B&W	B&W	B&W	B&W	B&W	B&W	A&F	A&F	B or F	B or F	-	-	B&W
I-2	B&W	B&W	B&W	B&W	B&W	B&W	A&F	A&F	B or F	B or F	-	-	B&W
CSR <sup>3</sup>	-	-	-	-	-	-	-	-	-	B	B	B	-

**Notes**

- A and B indicate landscape buffer types as described in Exhibit 6.5.D
- F and W indicate a six (6)-foot fence and wall respectively as described in paragraph 1 of section 6.5.F.
- A berm with landscaping is an alternative for a required fence or wall if the total height is a minimum of six feet (6')
- The word "or" means either the landscape buffer or fence/wall may be provided.
- The "&" means that both the landscape buffer and the fence/wall shall be provided.
- Where alleys or streets separate different zone districts, the Director may approve increased landscaping rather than requiring a wall or fence.
- The Director may modify this table based on the uses proposed in any zone district.

<sup>1</sup> Only required for multifamily development in RMF-8.

<sup>2</sup> Only B-1 that includes a residential component adjacent to nonresidential uses or zoning requires "A&F" buffer.

<sup>3</sup> Gravel operations subject to buffering adjacent to residential.

**Exhibit 6.5.D**  
**BUFFER REQUIREMENTS**

<b>Buffer Types</b>	<b>Landscaping Requirements</b>	<b>Location of Buffers on Site</b>
Type A	8 foot wide landscape strip with trees and shrubs	Between different uses Exhibit 6.5.C
Type B	25 foot wide landscape strip with trees and shrubs	Between different uses Exhibit 6.5.C

**Note:** Fences and walls are required for most buffers.

## 6.6 OFF-STREET PARKING, LOADING AND BICYCLE STORAGE

### A. Off-Street Parking.

1. **Standards.** New off-street parking (new construction and expansion of or changes to existing uses) standards follow. These are in addition to TEDS standards.
2. **Uses Not Identified.** The Director shall determine the parking requirement for a use which is not listed in Table 6.6. The applicant shall provide adequate information so that the Director can make such decision by including:
  - a. Type of uses;
  - b. Number of employees;
  - c. Building design capacity;
  - d. Square feet of sales area, service area, *etc.*;
  - e. On-site parking spaces;
  - f. Proposed off-site parking spaces; and
  - g. Hours of operation.
3. **Multiple Uses.** If there are accessory or multiple uses within one or more structures, these standards shall apply to each use and structure, resulting in a total parking requirement for the complex or property except as provided below (Shared Parking Facilities).
4. **Shared Parking Facilities.** Off-street parking requirements of a given use may be met by off-site off-street parking available on the property of another only if:
  - a. The off-site, off-street parking spaces are within 500 feet of the property except that the distance is 1,000 feet for employee parking;
  - b. Based on information supplied by the applicant, the Director, or other sources, the aggregate parking demands at the highest use time is less than the total parking spaces required; and
  - c. A written lease approved by the Director between the owner of the project and the owner of the off-site parking property is executed and recorded and contains the following terms: a term of at least 20 years; owner of the off-site property shall notify the Director if the lease is terminated prior to the terms; the lease is enforceable by the project owner. Should the lease expire or otherwise terminate, the use for which the off-site parking was provided shall terminate and no owner shall maintain such use without a substitute parking lease, approved by the Director. Continuation or expansion of the use shall be prohibited until the use is brought into compliance with the parking regulations of this Code.
5. **Location.** Except as provided above and in the downtown parking area, all parking shall be provided on the same property as the principal structure, unless the Director deems it impracticable. In a business, commercial or industrial district, the off-site parking must either be in a zone that allows parking as a principal use or be in the same zone as the use creating the parking need. Parking spaces in residential zones shall not be in a front yard setback except for parking in driveways for single family or duplex structures.

In no case shall parking be allowed in parkway strips (the area between the sidewalk and curb or edge of pavement).

6. **Parking Lot Landscaping.** Parking lots shall be landscaped [Section 6.5.C]. In cases of hardship or to increase safety, the Director may permit a portion of the required landscaping to be relocated or allow other deviation from the parking landscaping requirements.
7. **Pedestrian Crossings.** Pedestrian crossing areas shall be provided for each building egress or for every 125 feet of building which fronts a part of the parking area. Pedestrian crossing areas in parking lots 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 Director which form a smooth surface but contrast with asphalt. For parking lots of less than 50 cars, the Director may accept paint or similar markings.
8. **Parking Lot Lighting Requirements.** Adequate shielded lighting shall be provided for all parking facilities used at night.
9. **Vehicular Traffic Areas.** All driveways and parking areas, except for a single dwelling on one lot, shall comply with the following:
  - a. All required parking and vehicular traffic surfaces shall drain and be surfaced with concrete or bituminous pavement in accordance with City standards. The City Engineer may permit a gravel surface in overflow parking areas, a low traffic storage yard, or as in the next paragraph, if the applicant establishes that very little dust will 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 "a storage area generating less than thirty (30) average daily trips."
  - b. All surfaces shall be maintained in good condition free of weeds, dust, trash and debris. All vehicular traffic areas shall be built according to the construction standards established by the City.
  - c. A temporary parking lot shall be used after the owner has an approved site plan. Temporary parking lots are parking areas, which serve during transition of a property during development and shall not be used for more than twenty four (24) months from issuance of a City site plan for such parking use.
  - d. A temporary parking lot:
    - (1) Is allowed only in B-2 , C-1, C-2, I-1, or I-2 zones and only if a site plan has been approved by the Director;
    - (2) Shall be hard surfaced or gravel;
    - (3) Shall be graded for drainage
    - (4) Shall be maintained in good condition free of weeds, dust, trash and debris;
    - (5) Shall be landscaped and screened;
    - (6) Parking spaces within a gravel lot shall be delineated with concrete "bumper blocks;" and

- (7) Only used for total of 24 months unless a site plan for a permanent lot usage is approved.
- e. Vehicular traffic areas shall be screened in the same manner as required for parking areas as per Section 6.5.C.
- 10. **Service Stations.** No above-ground equipment at any gasoline service station or retail garage for the service of gasoline, oil, air, water, *etc.* shall be closer than ten feet to any public right-of-way.
- 11. **Required Parking.** Table 6.6 shows the number of parking spaces required for the uses indicated.
- 12. **Downtown Area.** Parking regulations for uses in the downtown area are:
  - a. There is no parking requirement for the reuse or remodel of an existing structure within an existing building envelope.
  - b. There is no parking requirement for new construction replacing an existing use which is entirely within the building envelope which existed as September 30, 1991.
  - c. Parking shall be provided for the additional square feet of any addition to an existing structure outside of the existing building envelope, and other new construction.
  - d. Permanent parking available to the public and within 500 feet (1000 feet for employees) of the proposed construction counts towards the total parking requirement. Unless the Director determines that he has sufficient parking data, the applicant shall, at the time of application, collect parking data and survey information sufficient for the Director to determine if off-site parking is “available.”
  - e. Off-site parking, either public or private, used to meet the parking requirement must be available on the same side of 1<sup>st</sup> Street as the proposed development.

**Table 6.6  
OFF-STREET PARKING REQUIREMENTS**

USE CATEGORIES	SPECIFIC USES	MINIMUM NUMBER OF SPACES	
		VEHICLE SPACES	BICYCLE SPACES
<b>Residential</b>			
<b>Group Living</b>	Nursing Homes; Assisted Living Facility; Treatment Facility; Small Group and Large Group Living Facilities	1 per 4 beds + 1 per each 3 employees	N/A
	Any Other Group Living	1 per 4 beds	N/A
<b>Household Living</b>	Business Residence	1 per residence + business parking	N/A
	Bed and Breakfast	1 per guest room + 2 spaces for owner's portion	N/A
	Rooming/Board House	1 per rooming unit	N/A
	Residential Subunit, Accessory Dwelling Unit	1 per unit	N/A
	Dormitories/Fraternities/Sororities	1 per 2 beds	0.5 per unit
	Single-Family, Duplex, Triplex, and Four-plex	2 spaces per dwelling unit	N/A
	Multifamily	1.8 per unit	0.5 per unit
<b>Institutional</b>			
<b>College, Vocational/ Technical Schools</b>	College, Vocational/Technical Schools	1 per 2 students	1 per 5 vehicle spaces
<b>Community Services</b>	Community Center	1 per 250 square feet or 1 per 4 patrons, whichever results in more spaces	1 per 20 vehicle spaces
<b>Cultural</b>	Museums, Art Galleries, Opera Houses, Libraries	1 per 1,000 square feet	1 per 20 vehicle spaces
<b>Day Care</b>	Day Care	1.5 per employee + drop-off/pickup area	N/A
<b>Detention Facilities</b>	Jails, Honor Camps, Reformatories, Law Enforcement Rehabilitation Centers	1 per employee on maximum shift + 1 per service vehicle	N/A
<b>Hospital/Clinic</b>	Hospital/Clinic	1 per 2 beds + 1 per employee	1 per 30 vehicle spaces

USE CATEGORIES	SPECIFIC USES	MINIMUM NUMBER OF SPACES	
		VEHICLE SPACES	BICYCLE SPACES
<b>Parks and Open Areas</b>	Campground	1 space (10'x30') campsite + 1 space (10'x20')/6 camp sites + 4 spaces/laundry & shower facility	N/A
	Golf Course	54 spaces per 9 holes	N/A
	All Other	20 spaces per athletic field or ball diamond or 1 per 4 seats, whichever results in more spaces	1 per 10 vehicle spaces
<b>Religious Assembly</b>	Religious Assembly	1 per 3 seats (one seat = 18")	1 per 30 vehicle spaces
<b>Safety Service</b>	Fire or Police Station; Emergency Response Service	1 per employee + 1 per 300 square feet of office space	3 spaces
<b>Schools</b>	Elementary and Junior Highs	2 per classroom	1 per 10 students
	High Schools	1 per 4 students	1 per 20 students
	Private Schools	1 space per 200 square feet	1 per 20 students
<b>Utilities, Basic</b>	Utilities, Basic	1 per employee	N/A
<b>Commercial</b>			
<b>Office</b>	General Offices; Governmental Offices	1 per 300 square feet	1 per 20 vehicle spaces
	Medical/Dental	4 spaces for each patient room or 1 space per 200 square feet	1 per 20 vehicle spaces
<b>Recreation and Entertainment, Outdoor</b>	Driving Range	1 per 20 feet of driving area	N/A
	Miniature Golf	2 per hole	N/A
	All Other Outdoor Recreation	(varies w/use)	(varies w/use)

USE CATEGORIES	SPECIFIC USES	MINIMUM NUMBER OF SPACES	
		VEHICLE SPACES	BICYCLE SPACES
<b>Recreation and Entertainment, Indoor</b>	Assembly/Auditorium	1 per 4 seats or 1 per 50 square feet if not permanent seats	1 per 20 vehicle spaces
	Amusement Center	1 per 60 square feet	1 per 10 vehicle spaces
	Bowling Alley	4 per lane	1 per 10 vehicle spaces
	Clubs/Lodges	1 per 200 square feet	1 per 30 vehicle spaces
	Health Club/Fitness Center	1 per 200 square feet	1 per 20 vehicle spaces
<b>Drive-Thru Uses (see TEDS Manual for stacking or vehicle storage requirements)</b>	Automated Tellers	N/A	N/A
	Bank, Drive-Thru Facility	N/A	N/A
	Drive-thru Cleaners; Drive-thru Liquor	N/A	N/A
	Fuel: full service no repair/service facility; self-service	1 space per employee on largest shift + 1 space per 200 square feet	N/A
	Restaurant, Drive-In, no indoor seating	+ 1 per employee on largest shift	N/A
	Restaurant, Fast-Food with Drive-In Facilities	1 space per 3 seats	1 per 30 vehicle spaces
<b>Downtown Area</b>	All Uses	See Chapter Nine, Definitions and Section 6.6.A.12	Per adopted plans: Downtown District and Bicycle Plan
<b>Retail Sales and Service</b>	Bars/Nightclubs	1 per two persons	1 per 30 vehicle spaces
	Banks (Branch and Drive-In)	1 per 300 square feet	1 per 20 vehicle spaces
	Convenience Store	1 per 100 square feet	1 per 20 vehicle spaces
	Hotels/Motels; Inns	1 per room + 75 percent of spaces required for other associated uses (e.g., restaurants, bars, office, meeting areas)	N/A

USE CATEGORIES	SPECIFIC USES	MINIMUM NUMBER OF SPACES	
		VEHICLE SPACES	BICYCLE SPACES
<b>Retail Sales and Service, continued</b>	Funeral Home / Mortuary / Crematorium	1 per four seats	N/A
	Restaurants	1 per three seats	N/A
	Shopping Centers < 15,000 square feet >15,000 to 400,000 square feet >400,000 to 600,000 square feet >600,000 square feet + With Theater	1 per 250 square feet 1 per 250 square feet  1 per 225 square feet 1 per 200 square feet add 1 per four seats	1 per 30 vehicle spaces
	Theaters	1 per four seats	1 per 20 vehicle spaces
	New & Used Vehicle Sales, including Recreational Vehicles/Boats	One space for each 5,000 feet of open sales lot area devoted to the sale, display, and rental of said vehicles and one space for each 300 square feet of gross floor area	N/A
	Other Retail Sales, High Volume, Stand Alone (e.g., supermarkets, clothing and department stores, shopping complexes, hardware building supplies, book stores, big box stores and similar uses)	1 per 200 square feet	1 per 20 vehicle spaces
	Other Retail Sales/Services, Low Volume, Stand Alone (e.g., appliance and sales, repair shops, nurseries, green houses and similar uses)	1 per 500 square feet	1 per 30 vehicle spaces
	Other Service Businesses, Stand Alone (e.g., beauty/barber shops, frozen food lockers, laundries, and similar uses)	1 per 500 square feet	1 per 30 vehicle spaces
<b>Self-Service Storage</b>	Self-Service Storage	1 per eight storage units + 1 per employee on maximum shift	N/A
<b>Vehicle Repair</b>	Vehicle Repair	2 per service bay + 1 per employee	N/A
<b>Vehicle Service, Limited (see TEDS manual for stacking or vehicle storage requirements)</b>	Car Wash, Self-Service	see TEDS	N/A
	Car Wash, Full-Service	1 space per employee	N/A
	Service Stations; Oil, Lube, Muffler Service	4 per service bay + required stacking spaces	N/A

USE CATEGORIES	SPECIFIC USES	MINIMUM NUMBER OF SPACES	
		VEHICLE SPACES	BICYCLE SPACES
<b>Vehicle Service, Limited</b> (see TEDS manual for stacking or vehicle storage requirements)	Other Limited Vehicle Service	2 per service bay + 1 per employee	N/A
	Tire, Batteries, Accessory Retailers	1 per 300 square feet	N/A
<b>Industrial</b>			
<b>Industrial Services and Operations</b>	Industrial Services and Operations (e.g., Asphalt Plants, Concrete, Pipe & Culvert Storage)	1.1 per employee or one per each 1,000 square feet of floor area, whichever is greater	1 per 30 vehicle spaces
<b>Manufacturing and Production</b>	Manufacturing and Production	1.1 per employee	1 per 30 vehicle spaces
<b>Warehouse and Freight Movement</b>	Warehouse and Freight Movement	1 per 1.5 employees or 1,000 square feet, whichever results in more spaces	1 per 30 vehicle spaces
<b>Waste Related Use</b>	Waste Related Use, Salvage	1.1 per employee	1 per 30 vehicle spaces
<b>Wholesale Sales</b>	Wholesale Sales	1.1 per employee plus one space per each 500 square feet of floor area open to the public for customer parking, in all cases, a minimum of 2 customer parking spaces	1 per 30 vehicle spaces
<b>Other</b>			
<b>Agriculture</b>	Feed Lots, Farming Airport	None	N/A
<b>Aviation, Surface Passenger Terminals</b>	Airport Terminals, Charter Airplane Terminals, Bus Stations, Train Stations	1 per employee + 1 space per peak embarking passengers	N/A
<b>Mining</b>	Gravel Extraction or Storage, Oil or Gas Drilling or Production	1 per employee + 1 per facility vehicle	N/A
<b>Telecommunication Facilities</b>	Television Station, Radio Station, Cable TV Retailer, Internet Provider, Telephone Switching Station/Offices	1 per employee	N/A
<b>Table 6.6 Notes:</b> <ul style="list-style-type: none"> <li>• Each parking space must be accessible independently of others.</li> <li>• All square feet is gross floor area unless otherwise indicated.</li> <li>• Spaces for seats or persons is designed capacity.</li> <li>• A minimum of 3 spaces required for all use requiring bicycle spaces.</li> <li>• ADA requirements are listed in the TEDS manual and at <a href="http://www.accessboard.gov">www.accessboard.gov</a></li> </ul>			

13. **Exceptions.** The Director has the authority to increase or decrease the required vehicle or bicycle parking, if:
    - a. Expected vehicle or bicycle ownership or use patterns vary from national standards or those typical for the use;
    - b. The parking demand varies during the day and week in relation to parking supply; or
    - c. The operational aspects of the use warrants unique parking arrangements.
  14. **Appeals.** An appeal of a Director decision relating to parking will be heard by the Zoning Board of Appeals.
  15. **Dimensions.** Parking stall and aisle dimensions are detailed in TEDS.
  16. **Alternative Bike Parking.** The Director may allow bicycle parking for employees to be located within a structure for security reasons
- B. **Loading.** A site plan for a proposed business, commercial or industrial use shall identify loading/unloading areas and shall be built and maintained in accordance with TEDS.

## 6.7 SUBDIVISION STANDARDS

- A. **Applicability.** Unless otherwise provided in a City Council approved development or annexation agreement, the provisions of this Section shall apply to all residential, commercial, industrial and other subdivisions. See Chapter Two for the process of subdivision review and approval.
- B. **Intent.**
  1. The design and layout must incorporate and emphasize unique features of the land. All subdivisions should be designed to:
    - a. Complement neighborhood development and uses;
    - b. Reinforce the importance of public places such as boulevards, parks, and open spaces;
    - c. Protect existing natural resources and wildlife habitat;
    - d. Mitigate erosion from wind and water;
    - e. Avoid development in riverine slide areas, geologically hazardous areas and in floodplains;
    - f. Preserve stands of existing mature trees and native vegetation;
    - g. Reduce fire hazards;
    - h. Promote pedestrian uses, bicycling, and transportation modes other than the private automobile;
    - i. Reduce long term service and maintenance costs to the City, its residents and owners in the subdivision; and
    - j. Avoid repetitive building and lot layouts.
  2. Open space should be integrated with the subdivision and adjacent property to

create attractive areas for active and passive use. Open spaces should not be located on peripheral strips of land or isolated corners. Subdivision layout should interconnect streets, open spaces and existing and proposed pedestrian and bicycle trails.

3. A subdivision for uses that differ significantly in size or type from contiguous uses and buildings should be organized to avoid or mitigate adverse effects on neighboring properties. Adjacent residential and mixed use projects should be connected, at least for non-vehicular transportation.

**C. Plans and Specification Standards.**

1. The design, construction and perpetual maintenance of all development, including subdivisions, shall be consistent with:
  - a. Adopted plans and policies;
  - b. Rules of the zoning district;
  - c. Other requirements of this Code;
  - d. Any previous plans on which the subdivision is based;
  - e. The City's technical and engineering, design, construction, and inspection criteria, standards, and specifications.

**D. Lot Layout and Design.**

1. **Access to Public Roads.** All lots shall have direct or indirect access to a dedicated public road. If the plat provides for indirect access (i.e., over intervening private drives), access easements or tracts benefiting all lots with indirect access shall be provided on the recorded plat. Easements shall be used to access not more than one lot with no street frontage. All access to public roads shall meet the standards as set forth in TEDS.
  - a. Creation of lots having two parallel property lines abutting a right of way ("double frontage lot") or lots having a rear lot line of which is adjacent to or across an alley from the side lot line of another lot ("reverse corner lot") is discouraged.
  - b. Double frontage lots shall comply with the subdivision perimeter enclosures provisions of Section 6.5.
  - c. A dwelling lot which abuts three public streets are discouraged.
  - d. The rear lot line of a dwelling lot should not abut a residential collector, local or cul-de-sac.
  - e. The decision-maker may increase the required setback from a lot line bordering a collector or arterial street.
2. **Flag Lots.**
  - a. Each flag lot shall have at least twenty-five feet (25') of street frontage, provided that the Director may require an access easement fifty feet (50') feet wide where public right-of-way may be needed to access future development. Said easement and irrevocable offer of dedication of right-of-way fifty feet (50') wide shall run the full depth of the lot or lots.
  - b. If no reasonable design alternative exists, the Director may allow one flag lot in a subdivision of four (4) or fewer lots. If no reasonable design alternative exists not more than fifteen percent (15%) (round any fraction down to the next whole number) of the lots within a subdivision

- containing five (5) or more lots to be flag lots. If allowed, flag lots must be paired with the "poles" abutting to require the use of a common driveway. No more than two flag lots shall be contiguous.
- c. The "flag" portion of a flag lot shall be at least twenty percent (20%) larger than the lot area of non-flag lots located in the same filing of the subdivision. For purposes of this area calculation, the area of the "pole" is not counted. The decision-maker may increase the setbacks for the "flag portion" of a flag lot, to be noted on the plat.
  - d. Driveways shall be designed to allow vehicles to exit driving forward.
  - e. As an alternative to paired flag lots, the Director may allow a shared driveway if it meets the shared driveway standards.
3. **Attached Single Family Development/Townhomes.** In accordance with the provisions of this paragraph, attached dwelling shall be allowed as indicated in Table 3.5. The lot width standard of a zone does not apply to an attached dwelling or townhome but the minimum lot area rule does, unless the dwelling is clustered. Minimum lot area may include an average of the surrounding common open space. There is no side setback for an "attached dwelling" or townhome. The other zone setbacks apply, unless the development is clustered. Covenants shall provide for the maintenance of common walls, other common structures and common spaces and facilities. The City Attorney may require changes and additions to ensure long term maintenance of all structures and property as a neat and well kept project. Construction of an attached unit on a lot originally platted for a detached dwelling in the RSF-2, RSF-4, RMF-5 or RMF-8 zone require a conditional use permit and the consent of the owners pursuant to the plat unless the plat or other plat approval document allowed such construction.
4. **Zero Lot Line Development.** In a zero lot line development, dwellings are "shifted" to one side of the lot to provide greater usable yard space on each lot. To work, all of the dwellings must be located at the same time. Because the location of each house is predetermined, greater flexibility in site development standards are possible while creating a single family detached character of a neighborhood.
- a. A zero lot line development is allowed in any residential zone except that in an RSF-R, RSF-E, RSF- 1, or RSF-2 zone, such development must be clustered.
  - b. The outside boundary of the permissible building envelope must be monumented on the plat or clearly and continuously staked with monumentation installed within thirty days of the sale of the lot.
  - c. One side building setback may be reduced down to zero. The street side setback and interior side setbacks abutting a property outside the project shall not change.
  - d. All zero lot line development shall comply with the following:
    - (1) The minimum distance between adjacent structures in the development must be equal to twice the required side setback of the zone unless changed pursuant to a cluster. The eaves on the side of a dwelling with a reduced setback may encroach up to

eighteen inches (18") into the abutting lot within the project. The plat shall note the extent and location of the potential encroachment.

- (2) The plat shall create a maintenance/repair easement when the eaves or side wall of a proposed house would be within four feet (4') of the abutting property. In addition, the plat must restrict any structure on the abutting lot to one or more feet from the common boundary so that after construction of both dwellings there remains at least five feet (5') between the structures at all points.
- (3) If the side wall of a house is on, or within three feet (3') of the property line, no windows or other openings in the wall are allowed, for privacy and due to the building and fire codes.

**5. Cluster Developments.**

- a. To preserve environmentally sensitive areas, open space and agricultural lands, clustered development is encouraged.
- b. In any residential zone district where clustering is permitted, the Director may approve lots that are smaller and arranged differently than otherwise allowed under this Code.
- c. The density for a clustered development may be increased over that of the residential zone pursuant to the bonus provisions of Section 3.6.C.
- d. Unless provided otherwise by the subdivision approval, cluster rules are:
  - (1) Twenty percent (20%) of the gross acreage must be open space;
  - (2) The minimum lot size is the percentage of open space of total acres of the entire development multiplied by 1.5. The minimum lot size requirement of the underlying zoning district may then be reduced by the resulting percentage. Minimum lot size shall also be subject to other provisions, such as Section 7.2.G Hillside Development, which might further restrict lot size. Table 6.7 provides example lot sizes based on various open space reservations.
  - (3) In no event shall any lot be less than 4,000 square feet.
  - (4) Bulk requirements for clustered lots are those of the zone which has the closest lot sizes. For example, if an RSF-2 area is developed with thirty percent (30%) open space then the bulk requirements of the RMF-4 zone apply.
  - (5) The bulk standards of the RMF-8 Zone apply to every lot of less than 4,500 square feet.

**Table 6.7**

**Minimum Clustered Lot Sizes based on Various Open Spaces**

	<b>Min Req. Lot Size</b>	<b>Open Space 20%</b>	<b>Open Space 30%</b>	<b>Open Space 50%</b>	<b>Open Space 66%</b>
<b>RSF-R</b>	5 acres	3.5 acres	2.75 acres	1.25 acres	4,000 sq. ft.
<b>RSF-E</b>	2 acres	1.4 acres	1.1 acres	21,780 sq. ft.	4,000 sq. ft.
<b>RSF-1</b>	1 acre	30,492 sq. ft.	23,958 sq. ft.	10,890 sq. ft.	4,000 sq. ft.
<b>RSF-2</b>	17,000 sq. ft.	11,900 sq. ft.	9,350 sq. ft.	4,250 sq. ft.	4,000 sq. ft.
<b>RSF-4</b>	8,000 sq. ft.	5,600 sq. ft.	4,400 sq. ft.	4,000 sq. ft.	4,000 sq. ft.
<b>RMF-5</b>	6,500 sq. ft.	4,550 sq. ft.	4,000 sq. ft.	4,000 sq. ft.	4,000 sq. ft.

- e. At least twenty percent (20%) of a cluster development shall be open space. Unless the Director approves otherwise, public open space shall abut or provide easy access to or protect other public land especially federal land. The applicant for cluster development shall:
  - (1) Offer the open space to dedicate to a local government or other entity approved by the Director. Open space in a cluster shall be offered as a dedication to the City or, at the election of the City, to a nonprofit trust or conservancy approved by the City;
  - (2) Convey open space to an entity to hold it in perpetuity for the owners of lots and/or the public;
  - (3) Agricultural land to be preserved shall require a conservation easement in the form approved by the City Attorney.
- f. All open space shall be conveyed to, owned and maintained by an entity approved by the City. The covenants and restrictions regarding perpetual preservation and maintenance of the open space, including provisions addressing:
  - (1) Maintenance duties of the grantee;
  - (2) A mechanism so that each lot owner may be assessed by the grantee; and
  - (3) The power but not any duty of the City to enforce any covenant or restriction.
- g. Open space shall be provided for each phase of a development. If common open space will not be provided proportionally by phase, the developer shall on the first plat identify all areas of all phases which are intended to be open space and deliver to the City Clerk a warranty deed to all such areas which will be recorded if the development is not completed.
- h. Open space design and developer constructed improvements shall:
  - (1) Be linked to existing and planned public open spaces, constructed



- b. adjacent development, while encouraging the use of mass transit.
  - b. Subdivisions shall allow for through movement of general traffic thus avoiding isolation of residential areas and overreliance on arterial streets on the edges of the subdivision for traffic movement, except as required by Section 6.7.E.2.
  - c. Street layouts must help emergency providers find their way efficiently and quickly.
  - d. Residential subdivisions must provide efficient and relatively direct pedestrian and bicycle access to near commercial development.
  - e. Bicycle paths shall connect to the City's on-street bikeway network and off-road trail system unless the Director determines it is not feasible.
  - f. The Street Naming and Addressing Manual controls the names of rights-of-way and property addressing.
2. **Street Layouts.**
- a. Street layouts shall continue streets in adjoining subdivisions or their anticipated locations when adjoining property is not yet developed.
  - b. Subdivisions shall accommodate a system of major collector, minor/residential collector, and local/residential streets providing multiple direct connections between local destinations such as parks, schools, and shopping, without requiring the use of arterial streets, unless unusual topographic features or existing development prohibits it.
  - c. Subdivisions containing or next to property designed for retail or commercial uses must be designed to integrate circulation systems among those lots and must avoid the erection of physical barriers between adjacent retail or commercial uses unless necessary for safety reasons.
3. **Street Widths.** TEDS dictate street widths.
4. **Other Street Forms.** The Director may approve different forms and types of streets if the functional and safety bases of TEDS are met. Any alternative street must be equal to or better than TEDS in terms of traffic safety, pedestrian circulation, impacts on adjacent uses, and appearance.
5. **Private Streets.** Private streets are generally not permitted. Only the City Council may authorize any development to be served by a private street.
6. **Street Reserve Strips.** No reserve strip shall be retained on the outer boundary or elsewhere of a development in order to control access to any public way.
7. **Bikeways, Walkways, and Sidewalks.**
- a. All subdivisions shall provide an integrated system of bikeways, walkways, and sidewalks to allow residents, customers, and the public to safely and directly access all principal uses, public areas, streets, bus stops, parking areas, and trash, recreation, and mail pickup facilities on bicycle and on foot.
  - b. Unless the Director deems it impractical, pedestrian circulation shall be separated from vehicles and bicycles.
  - c. The adopted urban trails plan and the standards in TEDS show how and where to build bicycle and pedestrian trails.

- d. Walkways shall directly connect areas or points of pedestrian origin and destination. A walkway shall not be located or aligned solely based on the outline of a parking lot configuration that does not provide safe and convenient direct pedestrian access. Connecting walkways shall link street sidewalks with building entries, through the parking lots. To provide direct pedestrian connections to these destinations, additional sidewalks or walkways not associated with a street, or the extension of a sidewalk from the end of a cul-de-sac to another street or walkway may be required.
- e. Where a development abuts or includes an arterial or collector street, a bicycle and pedestrian access point shall be provided every twelve hundred feet from the arterial and collector street or sidewalk into the development.

8. **Public Transit.**

- a. Streets should be designed to facilitate the use of public bus transit where needed. The public transit authority may be a review agency.
- b. The Director may require each subdivision to dedicate and/or construct adequate waiting areas for bus stops in the locations adjacent to arterial or major collector streets identified by a public transit authority; and direct walkways to each bus stop areas from each nearby street, commercial, industrial use, and public area.
- c. TEDS shows the design rules for a transit stop.

9. **Fire Lanes.** Fire lanes shall be provided in accordance with the adopted fire code.

F. **Location and Use of Open and Undeveloped Space.**

- 1. The plat for each subdivision shall include and protect as much of the following open space as the Director deems reasonable:
  - a. Natural, geologic or other hazard areas, such as potentially unstable slopes, faults, landslides, rockfalls, expansive soils, and floodplains.
  - b. Stream beds and corridors, bluffs, ridges, steep slopes, mature trees and/or stands of native vegetation, rock outcroppings, wetlands, native upland ecosystems, riparian areas, and wildlife corridors.
  - c. Water features such as drainages, waste ditches, washes, canals, ditches, lakes, natural ponds, and retention and detention ponds.
- 2. **Location.** The open space in each subdivision shall be located to create or enhance:
  - a. Community focal points;
  - b. Passive recreational opportunities;
  - c. Active recreational opportunities;
  - d. Landscaped buffers or visual transitions between different types or intensities of land uses; and/or
  - e. Opportunities to accommodate multiple compatible uses (such as providing scenic vistas, passive recreation opportunities, wildlife habitat, and the prevention of construction on natural hazard areas) rather than a single use.
- 3. **Integration.** The open space in each subdivision shall be integrated with

schools, parks, and other open spaces or public property in or near the subdivision or on neighborhood property.

4. **Public Access and Visibility.**
  - a. Open spaces in each subdivision should be open, accessible, and visible to all residents of the subdivision, and, to the public using public streets, trails, and open spaces.
  - b. If the subdivision contains or abuts a publicly owned natural area, the Director may require the subdivision plat to include such easements and rights-of-way as are necessary to allow reasonable access for the public to such natural area. Conveyance to the public requirement or dedication to the City may be credited against any park or open space dedication or fee-in-lieu of such land required by the City, upon approval of the City Council.
5. **Isolated Areas Discouraged.** Open space should not be located in isolated areas or corners of the subdivision, in peripheral strips along the borders of right-of-way or the subdivision, or in unconnected patterns unless the Director finds such a location would further one of the other goals described above.
6. **Natural Hazard Areas.** If natural or geologic hazards exists within the property, the applicant shall either:
  - a. Identify the limits of development (as defined below) on the plat and include a plat note that those areas are not available for sale nor development;
  - b. Provide a report from a geotechnical engineer licensed in Colorado designating the specific mitigation measures or engineering precautions necessary to make such areas safe for development and occupancy, and include a plat note stating that development will be subject to those mitigation measures and engineering precautions although the specific design needed as a part of a building permit may occur as a part of the building permit; or
  - c. Some combination of a. and b. above.
7. **Significant Natural Features.** All natural features (such as corridors, bluffs, ridges, steep slopes, stands of mature trees, rock outcroppings, wetlands, native upland ecosystems, riparian areas, and wildlife corridors) and water features (such as drainages, washes, canals, ditches, lakes, natural ponds, and retention and detention ponds) are within the property limits, shall be identified on the plat as the limits of development (as defined below). The plat shall clearly state that such areas are not available for sale nor development.
8. **Limits of Development.** Each plat shall specify the Limits of Development (LOD) which are any specific areas of a subdivision within which the development and construction shall be limited or prohibited so that natural hazard areas are avoided and significant natural features are preserved. LODs shall be determined based on:
  - a. Walking around and looking at the property. Mapping hazard areas and significant natural features;
  - b. Site topography, including but not limited to steepness of slopes, existing drainage features, rock outcroppings, river and stream terraces,

- valley walls, ridgelines, and scenic topographic features;
  - c. The practical needs to give access to heavy equipment the developed project and reasonable staging and operational areas; and
  - d. The information and results of a site analysis prepared in accordance with Section 6.1.
9. **Retention and Detention Ponds.** Storm drainage, retention and detention ponds shall be located, designed, maintained, planted and managed to serve as visual amenities, entryway features, or opportunities for passive recreation within the subdivision.

**6.8 STANDARDS FOR REQUIRED REPORTS, STUDIES AND SPECIAL PLANS**

The applicant shall submit to the Administrator those materials as listed in the SSID Manual (under separate cover).

# **CHAPTER SEVEN**

## **SPECIAL REGULATIONS**

### **7.1 FLOOD DAMAGE PREVENTION**

#### **A. Purpose.**

Flood damage prevention regulations promote the public health, safety and general welfare and minimize public and private losses due to flooding. The regulations are designed to:

1. Protect human life and health;
2. Minimize expenditure of public money for costly flood control projects;
3. Minimize the need for rescue and relief efforts associated with flooding;
4. Minimize prolonged business interruptions;
5. Minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges;
6. 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. Ensure that potential buyers are notified that property is in an area of special flood hazard; and
8. Ensure that those who occupy the areas of special flood hazard assume responsibility for their actions.

#### **B. Methods and Provisions for Flood Damage Prevention.**

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

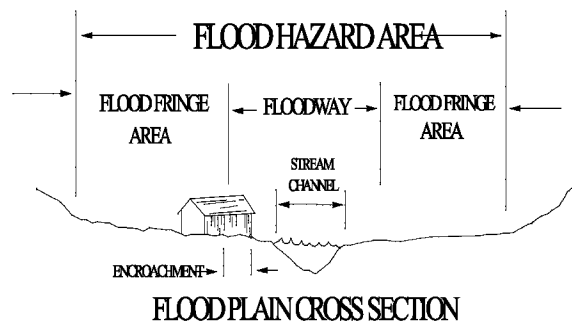
1. Restricting or prohibiting uses which are dangerous to health, safety and property because of water or erosion hazard(s);
2. Restricting or prohibiting uses which result in damaging increases in erosion or in flood heights or velocities;
3. Requiring that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;
4. Controlling the alteration of natural floodplains, stream channels and natural protective barriers which help accommodate or channel flood waters;
5. Controlling filling, grading, dredging and other practices which may increase flood damage; and,
6. Preventing or regulating the construction of flood barriers which will unnaturally divert floodwaters or which may increase flood hazards in other areas.

#### **C. General Provisions.**

1. This chapter applies to all areas of special flood hazard within the City.
2. Basis for Establishing the Areas of Special Flood Hazard. The Federal Emergency Management Agency has identified areas of special flood hazard in a scientific and engineering report entitled, "The Flood Insurance

Study for Grand Junction," dated July 15, 1992. The study together with the Flood Insurance Rate Map (FIRM) is hereby adopted by reference and declared to be a part of this Code. The FIRM may be superseded by local engineering studies approved by the Director, provided such studies fully describe and analyze, based on the FIRM and generally accepted engineering practice, design floodwater build-out conditions.

3. Compliance. No structure shall be constructed, located, extended, converted or altered without full compliance with the terms of this Section and other applicable regulations. No land shall be developed without full compliance with the terms of this section and other applicable regulations.
4. This section does not and it is not intended to repeal, abrogate or impair any existing easements, covenants or deed restrictions. If this section and another ordinance, easement, covenant or deed restriction conflict or overlap, whichever imposes the more stringent restrictions on use and development shall prevail and be applied.
5. All terms and provisions of this section shall be:
  - a. Considered as minimum requirements;
  - b. Liberally construed in favor of the city; and,
  - c. Deemed neither to limit nor repeal any other powers granted or reasonably construed or interpreted under law, charter, rule or regulation.
6. Warning and Disclaimer of Liability. The degree of flood protection required by this Section is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur. Flood heights may be increased because of man-made or natural causes. This section 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 section shall not create liability on the part of the City, or any officer or employee thereof, or the Federal Emergency Management Agency for any flood damage that results from reliance on this section or any administrative decision lawfully made hereunder.



**D. Provisions for Flood Hazard Reduction.**

1. **General Standards.** The following standards shall apply to all property located in special flood hazard areas:
  - a. **Anchoring.**
    - (1) All new construction and substantial improvement shall be anchored to prevent flotation, collapse or lateral movement of the

structure and as anchored be capable of resisting the hydrostatic and hydrodynamic loads.

- (2) All manufactured homes shall be elevated and anchored to resist flotation, collapse or lateral movement and as anchored is capable of resisting the hydrostatic and hydrodynamic loads. Methods of anchoring may include, but are not limited to, 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:
  - (A) Over-the-top ties 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 (50) feet long requiring one additional tie per side;
  - (B) Frame ties provided at each corner of the home with five additional ties per side at intermediate points, with manufactured homes less than fifty (50) feet long requiring four additional ties per side;
  - (C) Each component of the anchoring system shall be capable of carrying a force of 4,800 pounds; and
  - (D) Any addition(s) to the manufactured home shall be similarly anchored.

**b. Construction Materials and Methods.**

- (1) All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.
- (2) All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage.
- (3) 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 flooding.

**c. Utilities.**

- (1) All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;
- (2) 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
- (3) On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

**d. Subdivision Proposals.**

- (1) All subdivision proposals shall be consistent with the need to minimize flood damage;
- (2) All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage;
- (3) All subdivision proposals shall have adequate drainage provided to reduce exposure to flood damage; and
- (4) 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).

**2. Specific Standards.** The following provisions, as determined from base flood elevation data, are required for all special flood hazard areas:

- a. New construction and substantial improvement of any residential structure shall have the lowest floor (including basement) elevated at least one foot above the base flood elevation.
- b. 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 above the level of the base flood elevation; or, together with attendant utility and sanitary facilities, shall:
  - (1) Be flood-proofed so that below the base flood elevation the structure is watertight with walls being 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 Colorado registered professional engineer. The certification shall state that the design and methods of construction are in accordance with accepted standards of practice and meet the minimum provisions of this Code.

Such certifications shall be provided to and reviewed by the Director.

**c. 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 shall be certified by either a Colorado registered professional engineer or architect must meet or exceed the following minimum criteria:

- (1) A minimum of two (2) openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided;
- (2) The bottom of all openings shall be no higher than one foot above grade;
- (3) Openings may be equipped with screens, louvers, or other

coverings or devices provided that they permit the automatic entry and exit of floodwaters.

d. **Manufactured Homes.**

- (1) All manufactured homes that are placed and/or substantially improved on a site:
  - (A) Outside of a manufactured home subdivision;
  - (B) In a new manufactured home park or manufactured home subdivision;
  - (C) In an expansion to an existing manufactured home park or manufactured home subdivision; or
  - (D) On an existing manufactured home park or manufactured home subdivision on which a manufactured home has incurred substantial damage as a result of a flood,
- (2) Shall be anchored and elevated on a permanent foundation such that the lowest floor of the manufactured home is elevated to or above the base flood elevation.
- (3) The manufactured home shall be securely anchored to an anchored foundation system in order to resist flotation, collapse and lateral movement; and
- (4) Manufactured homes that are placed or substantially improved on sites in existing manufactured home parks or manufactured home subdivisions that are not subject to the provisions of this paragraph shall be elevated so that either:
  - (A) The lowest floor of the manufactured home is at least one foot above the base flood elevation; or
  - (B) The manufactured home frame or chassis is supported by reinforced piers or other foundation elements that are no less than thirty-six (36) inches in height above grade and securely anchored to an anchored foundation system in order to resist flotation, collapse and lateral movement.

e. **Recreational Vehicles.** Recreational vehicles occupied, as a temporary dwelling in a special flood hazard area shall:

- (1) Be on the site for fewer than one hundred and eighty (180) consecutive days; or
- (2) Be fully licensed and ready for highway use; or
- (3) Meet the permit requirements, elevation, and anchoring requirements for resisting wind forces.

3. **Floodways.** A floodway is an area within a special flood hazard area. The floodway is extremely hazardous due to the velocity of floodwaters, debris and erosion potential. To mitigate those hazards the following provisions apply:

- a. Encroachments, including fill, new construction, substantial improvements and other development is prohibited unless a Colorado registered professional engineer or architect certifies in writing that encroachments will not result in any increase in flood levels during the

- occurrence of the base flood discharge.
- b. All new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of this section.

## **7. 2 ENVIRONMENTAL/SENSITIVE LANDS REGULATIONS**

### **A. Purpose.**

Environmental and sensitive lands (ESL) regulations shall apply to identified hazard areas and/or lands, which have or may have specific environmental conditions. The intent of this regulation is to:

1. Guide development and land use within these areas;
2. Protect the public from avoidable financial expenditures for hazard control projects, hazard relief measures and damages to public utilities, streets and bridges;
3. Protect people and property and minimize damage from possible hazards; and
4. Provide a mechanism by which people owning/purchasing land can gain information about the land and whether the land is suitable for development.

### **B. Applicability.**

The provisions of Chapter Seven, in addition to any other applicable regulation, shall apply to a planned development outline development plan, preliminary subdivision plat or simple subdivision for environmental and sensitive lands. Chapter Seven shall not apply to the following:

1. Development of a single family home on any lot or parcel in existence as of the effective date of this Code;
2. state, county or City highway personnel engaged in constructing or effecting repair of bridges and/or roads;
3. Colorado Division of Wildlife and/or US Fish and Wildlife Service engaged in habitat improvement; and
4. railroad personnel engaged in constructing or effecting repair of bridges and track.

### **C. General Requirements.**

1. The Director shall administer this Code making any necessary interpretations of maps and other documents or information necessary or required, to determine among other things the boundaries of geologic and wildfire hazard areas.
2. Any development application involving a property with a known or suspected geologic hazard shall be submitted by the Director for review by the Colorado Geological Survey.
3. Any development application involving a property with a known or suspected wildfire hazard shall be submitted by the Director for review by the State Forestry Service.
4. Protection from or against hazard or loss by the application of this regulation is not guaranteed. The analysis and recommendations are based on engineering and scientific studies, which are reasonably believed to be accurate and complete. A review consistent with this regulation does not

guarantee, either expressly or impliedly that areas outside of established hazard boundaries or uses permitted within hazard boundaries will be free from damage or that people will be free from death or injury caused by known or unknown hazards. Application of this regulation to any development shall not create any liability on the part of or create a cause of action against, the City or any officer or employee thereof.

**D. Wildfire Standards.**

1. **Defensible Space.** Any new residential development on or adjacent to land that is predominantly woods, brush or grasslands, shall be developed to minimize the potential for the buildings to be ignited by wild fire and for a building fire to ignite surrounding woods, brush or grasslands. In addition to all other applicable regulations woods, brush or grassland development shall be developed as follows:
2. **Area System.** The area surrounding each dwelling unit shall be modified and managed using a two-area system.
  - a. **Area 1.** Area 1 shall consist of a thirty (30)-foot area immediately surrounding the dwelling unit, not to extend beyond the property line. No dead trees or other dead vegetation may remain in Area 1 at the time of initial sale or initial construction, whichever is first. Area 1 shall be further subdivided into two segments:
    - (1) Segment A shall consist of the five- (5) feet immediately surrounding all sides of the dwelling unit. All vegetation shall be removed from this area at the time of initial sale or construction, whichever is first. No new vegetation shall be planted in Segment A if the structure is sided with combustible materials such as wood or logs. If noncombustible siding is used, however, low-growing shrubs may remain or be installed. In no case shall shrubs be planted so as to be continuous with grass. No propane tanks may be installed in Segment A and no firewood or other combustible materials may be stored there.
    - (2) Segment B shall consist of the twenty-five (25) feet immediately beyond Segment A. At the time of initial sale or initial construction, whichever occurs first, all installed trees within Area 1 shall be located, and all existing vegetation shall be thinned, as follows to break up the horizontal and vertical continuity of fuels:
      - (A) Spacing between clumps of brush or trees, as measured between the crown of each clump, shall be no closer than two times the height of the taller clump. The maximum width of any clump of brush or trees shall be no greater than two times the height of the clump. Thinned material shall be removed from the site.

- (B) All branches of trees or brush shall be pruned to a minimum height of ten (10) feet above the ground or one-half the total height of the tree or bush, whichever is less. Pruned material shall be removed from the site.
  - (C) Propane tanks and firewood may be located in Segment B, but in no case shall such tanks be located within twenty (20) feet of the primary structure. Propane tanks shall be located on gravel pads and shall not be located immediately adjacent to grass-covered areas.
- b. Area 2. Area 2 shall consist of the area immediately beyond Area 1 and extending to seventy-five (75) feet from the principal structure, not to extend beyond the property line. Trees shall be initially thinned in this area to maintain a minimum of five (5) feet between tree crowns at maturity. All dead trees must be removed from Area 2 prior to initial sale or initial construction, and subsequent dead trees shall be removed annually, except that two dead trees per acre may remain to serve as wildlife habitat.
3. **Maintenance.** Persons owning, leasing or otherwise maintaining new dwelling units covered by provisions of this Code are responsible for proper maintenance of the defensible space. Maintenance of the defensible space shall include modifying or removing flammable vegetation and keeping leaves, needles and other dead vegetative material from accumulating on roofs of structures.

**E. Wildlife Habitat Protection.**

- 1. Prior to development of a moderate, high or very high potential for impact category parcel, as shown on the 1999 Wildlife Composite Map for the urban area or an amended map approved by the City, the Developer shall consult with the Colorado Division of Wildlife to substantiate the basis for the potential impact and to address various, specific measures to avoid, minimize, or mitigate negative impacts to wildlife and/or habitat.
- 2. New structures shall not be located within 100 feet of the floodways of the Colorado or Gunnison Rivers or as recommended by the Colorado Division of Wildlife. Roads, trails, recreation access sites, bridges, fences, irrigation and water diversion facilities, erosion and flood control devices, underground utilities, and similarly necessary structures may be located within this setback, if necessary. The installation of these structures shall comply with all other applicable federal, state, and local regulations.

**F. Nighttime Light Pollution.** All outside light sources shall conform to the standards set forth below.

- 1. Floodlights shall not be used to light all or any portion of any building façade between the hours of 10:00 PM and 6:00 AM.
- 2. No outdoor lights shall be mounted more than thirty-five (35) feet above the ground unless as a part of an approved outdoor recreational facility.

3. All outdoor lights mounted on poles, buildings or trees that are lit between the hours of 10:00 PM and 6:00 AM shall use full cutoff light fixtures.
4. All lights used for illumination of signs, parking areas, security or for any other purpose shall be arranged so as to confine direct light beams to the lighted property and away from adjacent residential properties and out of the direct vision of motorists passing on adjacent street(s).

**G. Hillside Development.**

1. Hillside development standards are applicable to hillside development and excavation of hillside(s) so that:
  - a. Soil and slope instability and erosion is minimized;
  - b. The adverse effects of grading, cut and fill operations are minimized;
  - c. The character of the City's hillsides are preserved; and
  - d. The public's interest is protected.
2. The provisions hereof are designed to accomplish the following:
  - a. Prohibit development or uses which would likely result in a hazardous situation due to slope instability, rock falls, or stormwater runoff and excessive soil erosion;
  - b. Minimize the threat and consequent damages resulting from hillside area fires by establishing fire protection measures and adequate emergency vehicle access;
  - c. Preserve natural features, wildlife habitats, natural vegetation, trees and other natural plant formations;
  - d. Provide for safe vehicular circulation and access to recreation areas, natural drainage channels, paths and trails;
  - e. Encourage the location, design and development of building sites in a manner that will provide for greater aesthetic appeal, blend with the slopes and hillside terrain, minimize the scarring and erosion effects of cutting, filling and grading of hillsides and prohibit development of ridge lines as defined; and
  - f. Encourage preservation of open space by encouraging clustering or other design techniques to preserve natural terrain, views and vistas.
3. **Hillside Development Standards.** In furtherance of the purposes set forth, any hillside development shall comply with Table 7.2.A and 7.2.B. Any portion of a development having a slope greater than thirty percent (30%) with an elevation change of twenty (20) feet or greater shall not be included in calculation of the area of such parcel for the purposes of determining conformity with the minimum lot parcel size and density requirements below.

**Table 7.2.A  
Single Family, Planned Unit and Cluster Subdivision Development**

<b>Average Slope of Development Area</b>	<b>Minimum Lot Size <sup>1</sup></b>	<b>Minimum Lot Width</b>
0% - 10%	See Existing Zone	See Existing Zone
10.01% - 20%	10,000 sq. ft.	At least 100 ft. at front setback line
20.01% - 30%	15,000 sq. ft.	At least 200 ft. at front setback line
30.01% +	Development Not Permitted <sup>2</sup>	Development Not Permitted <sup>2</sup>

<sup>1</sup> Minimum lot size as finally approved.

<sup>2</sup> Development on slopes of greater than 30% is not permitted unless, after review and recommendation by the Planning Commission and approval by the City Council, it is determined that:

- appropriate engineering measures will be taken to minimize the impact of cuts, fills, erosion and stormwater runoff consistent with the purpose of this Section; and
- the Developer has taken reasonable steps to minimize the amount of hillside cuts and also has taken measures to mitigate the aesthetic impact of cuts through Landscaping or other steps.

Note: Maximum Setback for Single-Family Dwelling Structures – 150' from Public or Private Street

**Table 7.2.B  
Multiple Dwelling Units**

<b>Average Slope of Development Area</b>	<b>Minimum Lot Width</b>	<b>Maximum Density</b>
0% - 10%	See Existing Zone	See Existing Zone
10.01% - 20%	100 feet	Maximum density of underlying zone x 0.80 unless clustered
20.01% - 30%	100 feet	Maximum density of underlying zone x 0.60 unless clustered
30.01% +	Development Not Permitted <sup>1</sup>	Development Not Permitted <sup>1</sup>
<sup>1</sup> Development on slopes of greater than 30% is not permitted unless, after review and recommendation by the Planning Commission and approval by the City Council, it is determined that: <ul style="list-style-type: none"> <li>• appropriate engineering measures will be taken to minimize the impact of cuts, fills, erosion and stormwater runoff consistent with the purpose of this Section; and</li> <li>• the Developer has taken reasonable steps to minimize the amount of hillside cuts and also has taken measures to mitigate the aesthetic impact of cuts through Landscaping or other steps.</li> </ul>		

4. Unless otherwise approved by Planning Commission, for property with slopes in excess of twenty percent (20%), Development may, as determined by the Director, be clustered on the portion(s) of the site with slopes less than twenty percent (20%). Clustering may be achieved by concentrating the number of units or by concentrating the amount of square footage allowed for the entire site on that portion of the property with less than twenty percent (20%) slope. See also Section 6.7.D.5. Cluster Developments.
5. **Determination of Slope and Slope Areas.** Slope shall be determined on a parcel by parcel basis if the slope is not generally uniform. The Director may allow some incursion hillside disturbance between slopes. Such incursions shall not exceed twenty (20) feet unless, upon recommendation of the Planning Commission, the City Council finds that a greater incursion is consistent with the purposes of this section. All property with a slope greater than thirty percent (30%) shall be excluded from the calculation of development area for purposes of determining hillside disturbance and density/intensity limitations. Natural slope delineation for the purposes of this section shall be determined as follows:
  - a. Contour intervals, maps and calculations required to determine the natural slope shall be prepared by the applicant and shall be submitted with the development application.
  - b. Contour maps shall be prepared and certified by a licensed professional

- engineer or licensed surveyor showing contours at intervals no greater than two (2) feet (the Contour Map).
- c. A qualified professional shall prepare all reports, documents, maps, reports and calculations. The basis of the information used/analyzed shall be conspicuously disclosed thereon. Each report shall include a current statement of the professionals' certifications, credentials and qualifications to prepare the report.
  - d. The Director may require that the applicant perform a field survey(s) to verify the accuracy of the contour lines shown on the contour map.
  - e. The contour map shall identify profile lines, which shall be used for performing the field survey. Profile lines shall be perpendicular to contour lines and in no case occur at intervals greater than 150 feet apart or 75 feet from a property line.
6. **Determination of Slope Areas/Density Calculation.** Using the field survey, slopes shall be calculated in horizontal intervals no greater than forty (40) feet. Points identified as slopes, as listed above, shall be located on the contour map and connected by a continuous line. The area bounded by the lines and intersecting property lines shall be used for determining dwelling unit density.
7. **Street Design.** The TEDS Manual shall apply to all hillside development except that:
- a. Streets, roads, driveways and other vehicular routes shall not traverse property having a slope greater than thirty percent (30%) unless, after review by the Planning Commission and approval by the City Council, it is determined that:
    - (1) Appropriate engineering measures will be taken to minimize the impact of cuts, fills, erosion and stormwater runoff consistent with the purposes of this section; and
    - (2) The Developer has taken reasonable steps to minimize the amount of hillside cuts and taken measures to mitigate the aesthetic impact of cuts through the use of landscaping and other mitigation measures acceptable to the Director.
  - b. Existing vegetation, where streets are to be located, shall be preserved to the greatest extent possible. As much as possible street alignment should follow the natural terrain.
  - c. Upon the favorable recommendation of the Director sidewalk construction may be waived by the Planning Commission when the Planning Commission finds that sidewalk construction would result in excessive grading and/or cut/fill of slopes.
  - d. Vertical or drive-over, curb and gutter, as determined by the Director, shall be installed along all public streets.
8. **Joint Development Applications.** Multiple owners of hillside property, whether or not such property is contiguous, may file a joint development application for all such property or the City Council may direct the Director to file such an application on behalf of the City.

9. For all purposes of this Chapter, such property shall be treated as a single development parcel.
10. Development permitted on such property, pursuant to this Chapter, may be clustered on any one or more of the parcels under such joint application subject to the requirements and limitations of this Chapter. The provisions of this section shall not allow variance in the use requirements of the underlying and existing zoning category for the receiving parcel and may not result in a violation of the purposes of these regulations.

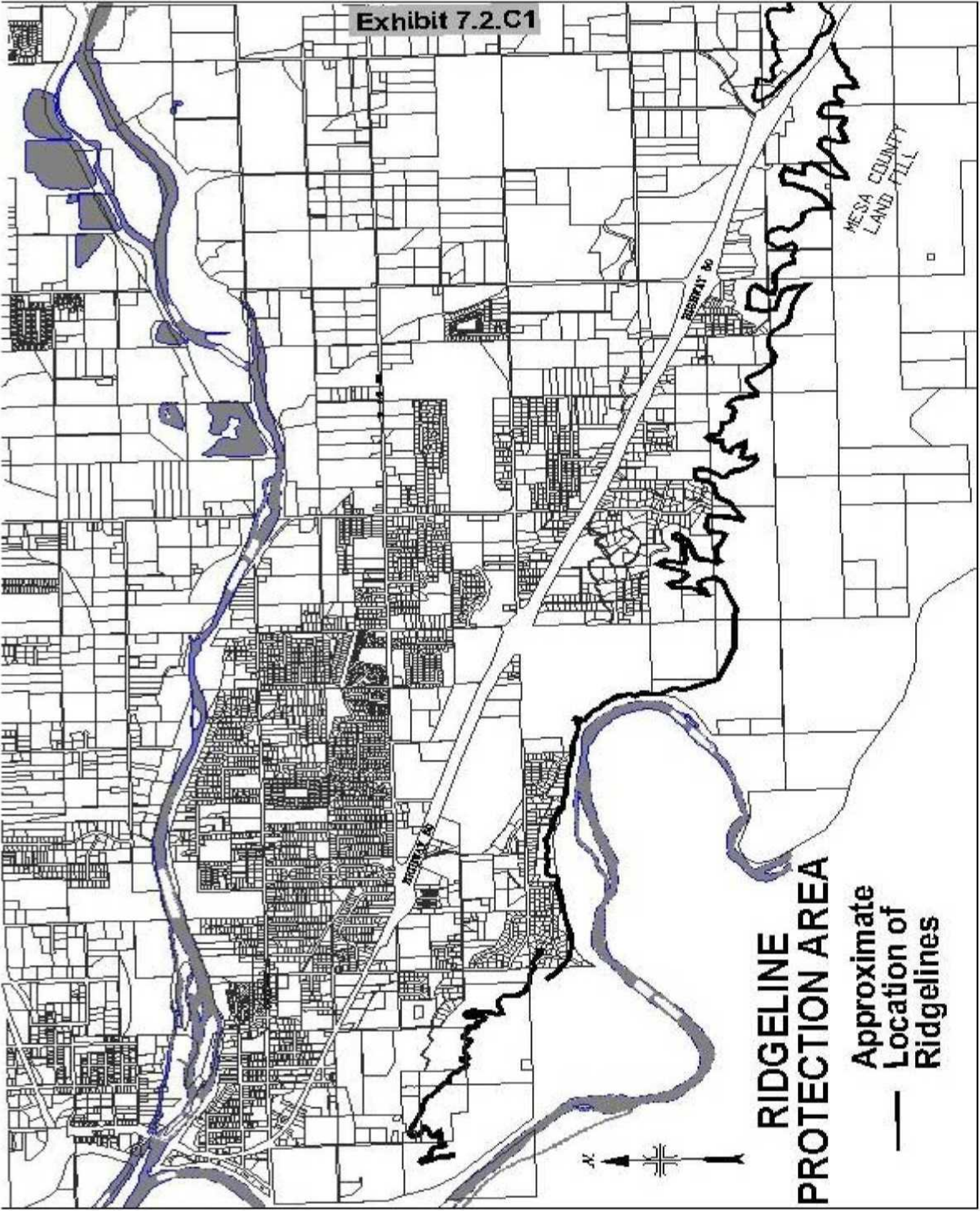
#### **H. Ridgeline Development.**

The City recognizes the value of its visual resources and amenities. The purpose of the ridgeline development standards is to preserve the character of the identified ridgelines and to minimize soil and slope instability and erosion.

##### **1. Ridgeline Development Standards.**

- a. For all lots platted within the mapped ridgeline protection area shown on Exhibits 7.2.C1, C2 and C3, buildings, fences and walls shall be setback a minimum of 200 feet from the ridgeline.
- b. This setback shall not apply if the applicant produces adequate visual representation that a proposed new structure will not be visible on the skyline as viewed from the centerline of the mapped roads or that mitigation will be provided. Mitigation techniques might include:
  - (1) Earth tone colors to blend with the surrounding area;
  - (2) The use of non-reflective materials;
  - (3) Vegetation to screen and soften the visual impact of the structure; and/or
  - (4) A reduction of building height or the “stepping” of the building height; or
  - (5) Other means that minimizes the appearance from the road corridor.
- c. In no case shall the setback be less than thirty (30) feet from the Ridgeline. This regulation shall not apply to existing structures or lots platted prior to the effective date of this Code or to fences constructed primarily of wire.
- d. The required setback shall be measured to the building envelope, to be established at the time of platting.
- e. Line of sight shall be measured from the centerline of the road most parallel to the ridgeline at the point most perpendicular to the center of the lot.
- f. Ridgeline shall be determined on a site-specific basis and shall be that point at which the line of sight is tangent with the slope profile.

Exhibit 7.2.C1



# RIDGELINE PROTECTION AREA

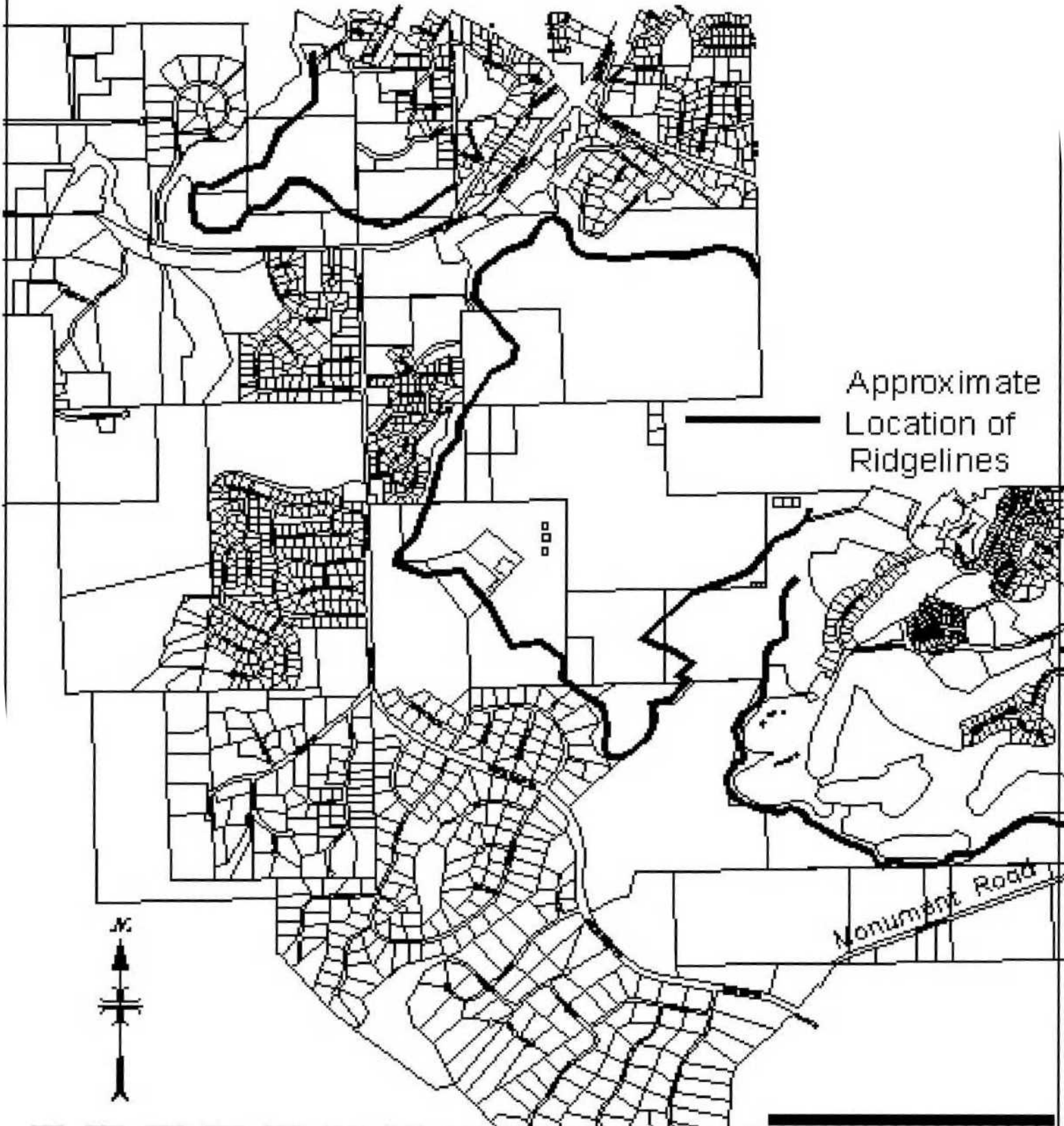
— Approximate Location of Ridgelines

MESA COUNTY LAND FILL

REBERTY RD

Exhibit 7.2.C2

# RIDGELINE PROTECTION AREA



Approximate  
Location of  
Ridgelines

Monument Road

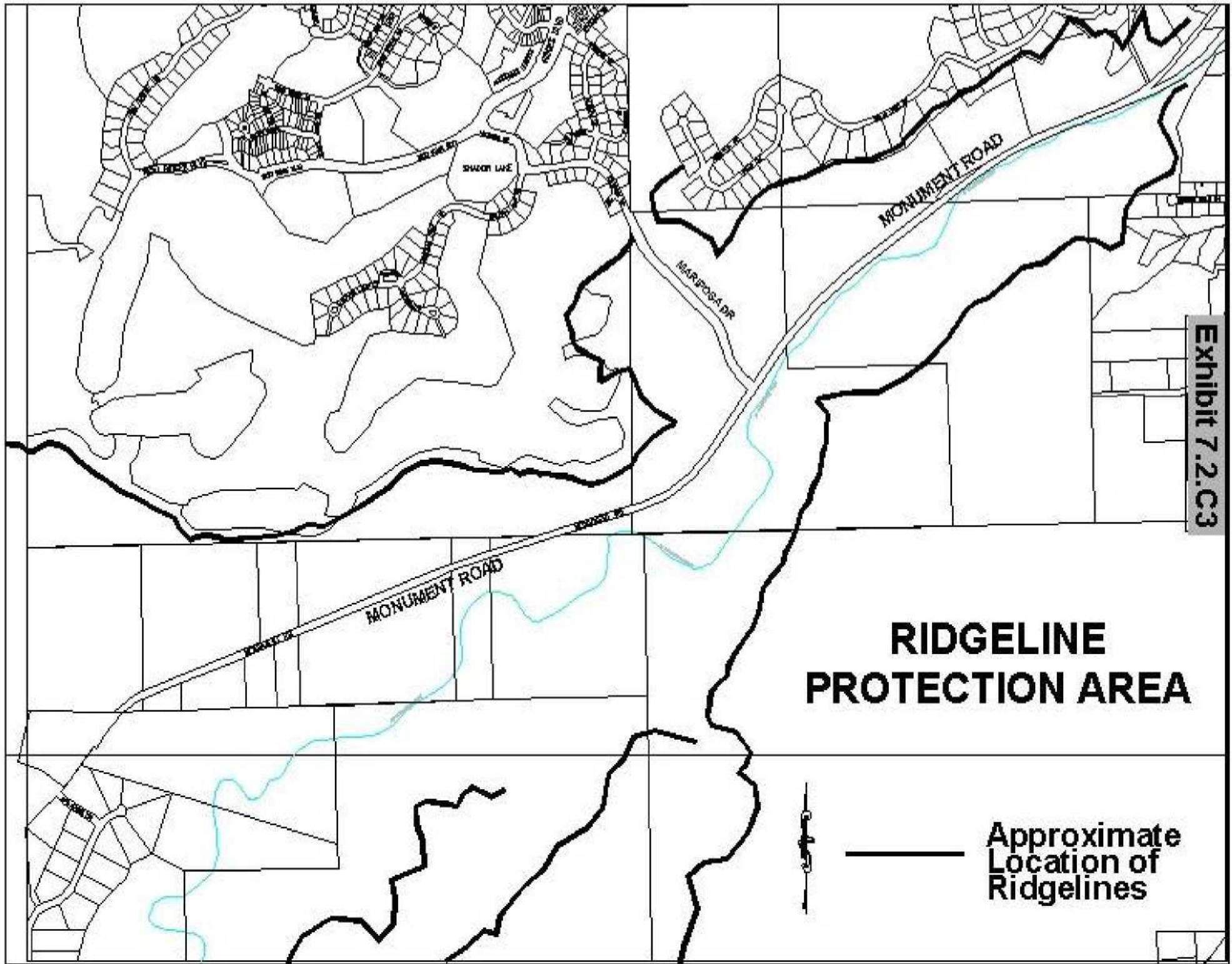


Exhibit 7.2.C3

# RIDGELINE PROTECTION AREA

— Approximate Location of Ridgelines

**I. 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 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 shall 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.

**J. Geologic Hazard Maps.**

1. The Colorado Geological Survey (CGS) has identified geologic hazard areas. The CGS maps, together with explanatory text, references and supporting and supplemental studies, results and findings delineating the boundaries of geologic hazard areas are incorporated into this Code by reference.
2. The CGS maps approximate the boundaries of hazard areas. The maps shall primarily provide notice to the Director, Planning Commission, City Council and the applicant, that geologic hazards may exist and if so require consideration prior to and if approved, during development. Precise boundaries and determination of hazard(s) require
3. on-site evaluation by qualified professionals. The Director may require a detailed engineering analysis, study and/or report if a hazard is known or reasonably believed to exist. The engineering analysis, study and/or report, if required, may as determined by the Director, be required to include a map of the extent of the hazard, a definition of its degree severity, a determination of the frequency of occurrence/reoccurrence, an evaluation of the compatibility of the proposed land use and consideration of the means and methods of hazard mitigation.
4. Hazard mitigation is not intended to categorically preempt development but development may occur only if mitigation is appropriate and proportionate to the severity and frequency of the hazard.
4. Mitigation techniques, which may be acceptable, are:
  - a. Avoidance of the hazard area;
  - b. Retaining walls, fill, rock bolting, pilings;
  - c. Diversion, channeling, damming, barriers;
  - d. Excavation of unstable areas, bridging of weak zones, proper distribution of loading;
  - e. Improvement of surface and subsurface drainage.
5. Mitigation plans shall be prepared and stamped by a Colorado registered, professional engineer.

**K. Environmental Audit.**

A Phase I environmental audit shall be required for any property dedicated or deeded to the City. The City may require additional investigation.

### **7.3 AIRPORT ENVIRONS OVERLAY ZONING DISTRICT (AE)**

- A. **Purpose.** The Airport Environs Overlay Zoning District (AE) is hereby created with the following purposes:
1. To protect the public health, safety and welfare by regulating development and land use within noise sensitive areas and airport hazard areas;
  2. To ensure compatibility between Walker Field Airport and surrounding land uses; and
  3. To protect the airport from incompatible encroachment.
- B. **Overlay District.** The Airport Environs Overlay Zoning District (AE) shall serve as an overlay zoning that applies additional standards and requirements to properties located within an underlying zoning district. In case of conflicting standards and requirements, the more stringent standards and requirements shall apply.
- C. **Airport Environs Overlay Maps.** Airport Environs Overlay Maps referred to in this Code are on file at the Community Development Department. The maps are incorporated by this reference as is fully set forth.
- D. **Airport Environs Subdistricts.** The Airport Environs Overlay Zoning (AE) is comprised of four subdistricts. The subdistricts represent a determination by the Federal Aviation Administration (FAA) of differing levels of expected noise impact and hazard from aircraft overflight. If any parcel is within more than one subdistrict, the more restrictive subdistrict determination shall apply. The subdistricts are as follows:
1. **Area of Influence (Subdistrict A).** An area surrounding the airport impacted or influenced by proximity of the airport, either by aircraft overflight, noise and/or vibrations.
  2. **Noise Zone (Subdistrict B).** Includes the area within the 65 Ldn to 70 Ldn noise-exposure area as shown in the Walker Field Airport Master Plan.
  3. **Critical Zone (Subdistrict C).** 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 in that particular area) as shown in the Walker Field Airport Master Plan.
  4. **Clear Zone (Subdistrict D).** 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 FAA regulations.
  5. The boundaries of the AE zoning and its subdistricts shall be reviewed whenever the Walker Field Airport Authority updates and/or amends the noise contour maps and/or master plan. The Walker Field Airport Authority shall notify the City of any such update and/or amendment and provide a copy of it to the City.
- E. **Exemptions.** The terms, provisions, conditions and restrictions of 5-11 *et. seq.* of the former Code pertaining to land use for land around airports shall control development in existence prior to the effective date of this Code. This Chapter shall apply to

development, structures and/or lots platted after the effective date of this Code.

F. **Land Use Compatibility.**

1. **Airport Environs Matrix.** The Airport Environs Land Use Compatibility Matrix, Table 7.3, also known as the Airport Matrix, establishes requirements and limitations in addition to those provided in Chapter Three. In the case of conflict the more restrictive requirements shall control.
2. Table 7.3 identifies development standards that apply to development within the AE zone. Any proposed use and/or development shall comply with the requirements of this section, in addition to all other applicable standards.
3. All structures shall be constructed to comply with the Noise Level Reduction (NLR) standards of the Airport Matrix. National Technical Information Service (NTIS) report *Guidelines for the Sound Insulation of Residences Exposed to Aircraft Operations* (AD-A258 O32), latest edition, shall be used for noise reduction methods for new development.
4. **Use Restriction.** Notwithstanding any other provision of this Code, no use may be made of land or water within any zone or subdistrict that creates or may create:
  - a. Interference with navigational signals or radio communication between the airport and aircraft;
  - b. Difficulty for pilots to distinguish between airport lights and other lighting;
  - c. Glare in the eyes of pilots using the airport;
  - d. Impaired visibility in the vicinity of the airport;
  - e. A hazard or endanger landing, takeoff or maneuvering of aircraft.

G. **Avigation Easement.** New development located within the AE zone shall convey an avigation easement to the Walker Field Airport Authority in a form and with terms and conditions approved by the Director. Such conveyance shall not be required for repair or maintenance of existing structures.

H. **Record Notice of Critical and Noise Zone Subdistricts.** A written notice, in a form approved by the Director, shall be affixed to and recorded with each final plat/plan when the development is located in a noise zone. The notice shall also be required when the development is located within a critical zone. The notice shall minimally provide that:

1. All or part of the development is potentially subject to aircraft noise levels high enough to annoy users of the property and interfere with its unrestricted use.
2. If in the Critical Zone add: All or part of this property is also located in the approach and departure path of the airport in an area more apt to have accidents because of the takeoff and landing of aircraft.

I. **Height Limitations.** Nothing, including structures and trees, shall be erected, altered, allowed to grow or be maintained so that it crosses or enters into the applicable runway approach zones as defined in Federal Aviation Regulations (FAR) Part 77, as amended.

**Table 7.3  
Airport Land Use Compatibility Standards Matrix**

LAND USE	SUBDISTRICTS			
	A	B	C	D
Residential (≤ 1 unit per 5 acres)	Y	30 <sup>Note 1</sup>	30 <sup>Note 1</sup>	N
Residential (1 unit per 5 acres-4 units per acre)	C	C30 <sup>Note 1</sup>	C30 <sup>Note 1</sup>	N
Hotels / Motels	Y	C25	N	N
Schools, Hospitals, Libraries	Y	C25	N	N
Churches	Y	C25	N	N
Auditoriums, Outdoor Amphitheaters, Concert Halls	Y	C25	N	N
Sports Arenas	Y	C25	N	N
Playgrounds, Parks, Open Space, Golf Courses, Cemeteries, Riding Stables	Y	Y	C	N
Office Buildings, Personal, Business, and Professional Services	Y	C	C	N
Commercial Establishments: Retail	Y	C	C	N
Commercial Establishments: Wholesale, Manufacturing, Transportation, Communications, and Utilities	Y	C	C	N
Manufacturing - noise sensitive	C	C	C	N
Communications - noise sensitive	C	C	C	N
Farming (livestock)	Y	Y	Y	N
Agriculture, Mining, Fishing (except livestock farming)	Y	Y	Y	C
Poultry Production	Y	Y	Y	N

<p><b>LEGEND</b></p> <p><b>Y:</b> Yes</p> <p><b>C:</b> Requires Conditional Use Permit</p> <p><b>N:</b> No</p> <p><b>25:</b> Measures to achieve Noise Level Reduction (NLR) of 25dB must be incorporated into the design and construction of structures.</p> <p><b>30:</b> Measures to achieve Noise Level Reduction (NLR) of 30dB must be incorporated into the design and construction of structures.</p>	<p><b>Note 1:</b> Where possible no residential development shall be permitted within Subdistricts B and C, however, for properties substantially or wholly burdened by these districts, residential Development may be permitted at a Density not to exceed one unit per five acres. Clustering of homes outside of Subdistricts B and C shall, where possible, be used.</p>
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## 7.4 HISTORIC PRESERVATION

### A. Purpose.

This section enhances the community's local resources and promotes the public health, safety, prosperity and welfare through the protection and preservation of the City's architectural, historic and cultural heritage, as embodied in designated historic structures, sites and districts, by application of appropriate regulations and incentives. Those regulations and incentives include:

1. The establishment of a City Register listing designated structures, sites and districts; and
2. The provision of educational opportunities to increase public appreciation of Grand Junction's unique heritage.

### B. Board Established. The City Council hereby creates a Historic Preservation Board, hereinafter referred to as the Historic Board or Preservation Board. The Historic Board shall have principal responsibility for matters of historic preservation.

1. **Composition.** The Historic Board shall consist of not less than five (5) members and not more than seven (7) members. Historic Board members shall be appointed to provide a balanced, community-wide representation. When there are more than five (5) members of the Historic Board, at least four (4) members shall be professionals in or have expertise with a preservation-related discipline including but not limited to, history, architecture, planning or archaeology. When there are five (5) members of the Historic 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 shall serve as staff to the Historic Board. The Council shall determine, by resolution, the number of members of the Historic Board at such time as the Council makes appointments to the Historic Board.
2. **Term.** Members of the Historic Board shall be appointed by the City Council to serve four (4) 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 Historic Board shall be made by the City Council. All members of the Historic 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 Historic Board may be removed by the City Council without cause being stated.
3. **Voting.** Three members if a five member Board; four members if a six (6) or seven (7)-member Board constitutes a quorum. A quorum is necessary for the Historic 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 any motion or action.
4. **Chairperson/Vice-Chairperson.** The Historic Board shall, by majority vote, elect one of its members to serve as chairperson to preside over meetings and one member to serve as vice-chairperson. The vice-chairperson shall act in the absence of the chairperson. The chairperson and

vice-chairperson shall serve in these capacities for terms of one year.

5. **Meetings.** The Historic Board shall establish a regular meeting schedule. Minutes shall be kept of all proceedings.
6. **Powers and Duties.** The Historic Board shall, after solicitation of public comment, at a properly noticed public meeting:
  - a. Recommend eligibility criteria for the designation of historic resources and for review of proposals to alter designated resources;
  - b. 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;
  - c. Upon property owner's request, review and make recommendations to the owner on proposed alterations to a designated historic structure, site or district;
  - d. 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;
  - e. 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;
  - f. 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 Historic Board may create a list of structures of historical or archeological merit which have not been designated;
  - g. 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 the purposes of this section; and
  - h. Actively pursue financial assistance for preservation-related programs.
7. **Public Records.** The Board shall conduct its business in accordance with the open meetings and Public Records Acts and other laws applicable to local public bodies.
8. **ByLaws.** The Historic Board shall propose bylaws to the City Council as it deems necessary.

#### C. **City Registry Established**

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

**D. Designation of Historic Structures, Sites and Districts.**

1. The City Council pursuant to this Code:
  - a. May by resolution designate as historic an individual structure, site or other feature or an integrated group of structures or features on a lot or site. Designation shall be for a special historical or architectural value; or
  - b. May by resolution designate as an historic district an area containing a number of structures or sites having a special historical or architectural value.
2. 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.
3. No individual structure or site shall 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.
4. The purpose and effect of designation is:
  - a. To assist local interests in preservation of physical structures, sites or districts and to recognize locally significant structures, sites or districts;
  - b. To provide a mechanism to educate the public on local history, development of the community, architectural styles and housing and business development;
  - c. To enable the owners of the property in the City to take advantage of historic preservation programs and opportunities; and
  - d. To make all properties listed on the City Registry eligible for such incentive programs as may be developed.

**E. A Procedure for Designating Historic Structures, Sites and Districts for Preservation.**

1. A nomination for designation to the City Register may be made by the Historic 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.
2. **Historic Board Review.**
  - a. The Historic Board shall hold a public meeting on the designation application no more than thirty (30) days after the filing of the application.
  - b. The Historic Board shall review the application for conformance with the established criteria for designation and with the purposes of this section.
  - c. 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 Historic Board, the applicant, and the owner or owners other than the applicant, the Historic Board shall recommend either

- approval, modification and approval or disapproval of the application.
  - d. The Historic Board may recommend approval conditional upon the execution of certain Easements, covenants or licenses.
  - e. The Historic Board shall forward to the City Council written recommendations concerning a designation and further state any recommendations as to easements, covenants or licenses that must be met by the property owner in order to receive and/or maintain the designation.
3. **City Council Review.**
- a. 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.
  - b. The City Council shall review the application for conformance with the established criteria for designation and with the purposes of this section.
4. When a structure, site or historic district has been designated as provided herein, the Director shall promptly notify the record owners of the property, as shown in the County Assessor's records or other available information, and record the designation in the land records of the Mesa County Clerk and Recorder.
5. **Limitation on Resubmission and Reconsideration of Proposed Designation.** If 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 denial of the application.
- F. **Criteria for Designation.** The Historic Board and City Council shall consider the following criteria in reviewing nominations/applications for designation.
- 1. Structures must be at least fifty (50) years old and meet one or more of the architectural, cultural or geographic/environmental significance criteria. A structure can be exempted from the age requirement if the Council finds it to be exceptionally important in other criteria.
    - a. Historic structures or sites shall meet one or more of the following in order to be considered for designation.
      - (1) Architectural:
        - (A) Exemplifies specific elements of an architectural style or period;
        - (B) Is an example of the work of an architect or builder who is recognized for expertise nationally, statewide, regionally, or locally;
        - (C) Demonstrates superior craftsmanship or high artistic value;
        - (D) Represents an innovation in construction, materials or design;
        - (E) Represents a built environment of a group of people in an era of history;
        - (F) Exhibits a pattern or grouping of elements representing at least one of the above criteria; or
        - (G) Is a significant historic remodel.

- (2) Cultural:
  - (A) Is a site of historic event that had an effect upon society;
  - (B) Exemplifies cultural, political, economic or ethnic heritage of the City; or
  - (C) Is associated with a notable person or the work of a notable person.
- (3) Geographic/Environmental:
  - (A) Enhances the sense of identity of the City; or
  - (B) Is an established and familiar natural setting or visual feature of the City.
- b. Prehistoric and historic archaeological structures or sites shall meet one or more of the following:
  - (1) Architectural:
    - (A) Exhibits distinctive characteristics of a type, period or manner of construction; or
    - (B) Is a unique example of structure.
  - (2) Cultural:
    - (A) Has the potential to make an important contribution to the knowledge of the area's history or prehistory;
    - (B) Is associated with an important event in the area's development;
    - (C) Is associated with a notable person or the work of a notable person;
    - (D) Is a typical example or is associated with a particular ethnic or other community group; or
    - (E) Is a unique example of an event in local history.
  - (2) Geographic/Environmental:
    - (A) Is geographically or regionally important.
- c. Each property shall also be evaluated based on physical integrity using the following criteria (a property need not meet all the following criteria):
  - (1) Shows character, interest or value as part of the development, heritage or cultural characteristics of the community, region, state, or nation;
  - (2) Retains original design features, materials and/or character;
  - (3) Is in the original location or same historic context if it has been moved; or
  - (4) Has been accurately reconstructed or restored.

2. **Historic Districts.**

- a. For the purposes of this section, a historic district is a geographically definable area including a concentration, linkage or continuity of sites, buildings, structures and/or objects. A historic district is related by a pattern of either physical elements or social activities.
- b. Significance is determined by applying criteria to the pattern and unifying elements.

- c. Nominations/applications for historic district designation shall not be approved unless the application contains written approval from owners of at least sixty percent (60%) of the properties within the proposed district boundaries.
- d. Properties that do not contribute to the significance of the historic district may be included within the boundaries so long as the noncontributing elements do not noticeably detract from the district's sense of time, place and historical development. Noncontributing elements shall be evaluated for their magnitude of impact by considering their size, scale, design, location and/or information potential.
- e. Historic district boundaries shall 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.
- f. When districts are designated, applicable design guidelines and other appropriate restrictions may be included as part of the designation.
- g. In addition to meeting at least one of the criteria as outlined in subsection h. of this subsection (2), the designated contributing sites and structures within the district must be at least 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.
- h. Historic Districts shall meet one or more of the following:
  - (1) Architectural:
    - (A) Exemplifies specific elements of an architectural period or style;
    - (B) Is an example of the work of an architect or builder who is recognized for expertise nationally, statewide, regionally or locally;
    - (C) Demonstrates superior craftsmanship or high artistic value;
    - (D) Represents an innovation in construction, materials, or design;
    - (E) Represents a built environment of a group of people in an era of history;
    - (F) Is a pattern or a group of elements representing at least one of the above criteria; or
    - (G) Is a significant historic remodel.
  - (2) Cultural:
    - (A) Is the site of an historic event that had an effect upon society;
    - (B) Exemplifies cultural, political, economic or social heritage of the community; or
    - (C) Is associated with a notable person or the work of a notable person.

- (3) Geographic/Environmental:
  - (A) Enhances sense of identity of the community; or
  - (B) Is an established and familiar natural setting or visual feature of the community.
- (4) Archaeology/Subsurface:
  - (A) Has the potential to make an important contribution to the area's history or prehistory;
  - (B) Is associated with an important event in the area's development;
  - (C) Is associated with a notable person(s) or the work of a notable person(s);
  - (D) Has distinctive characteristics of a type, period or manner of construction;
  - (E) Is of geographical importance;
  - (F) Is a typical example/association with a particular ethnic group;
  - (G) Is a typical example/association with a local cultural or economic activity; or
  - (H) Is a unique example of an event or structure.

**G. Review of Alterations.** The owner of any historic structure or site is requested to consult with the Historic Board before making any alteration. The Historic Board shall determine if the alteration is compatible with the designation.

1. **Alteration Review Criteria.** In reviewing a proposed alteration, the Historic Board shall consider design, finish, material, scale, mass and height. When the subject site is in an historic district, the Historic Board must also find that the proposed development is visually compatible with 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 Historic Board shall use the following criteria to determine compatibility of a proposed alteration:
  - a. The effect upon the general historical and architectural character of the structure and property;
  - b. The architectural style, arrangement, texture and material used on the existing and proposed structures and their relation and compatibility with other structures;
  - c. The size of the structure, its setbacks, its site, location, and the appropriateness thereof, when compared to existing structure and the site;
  - d. The compatibility of accessory structures and fences with the main structure on the site, and with other structures;

- e. 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;
- f. The condition of existing improvements and whether they are a hazard to public health and safety; or
- g. The effects of the proposed work upon the protection, enhancement, perpetuation and use of the property.

**H. Revocation of Designation.**

1. 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 Historic Board for a revocation of the designation or the Historic Board shall recommend revocation of the designation to the City Council in the absence of the owner's application to do so.
2. If a designated structure is moved or demolished, the designation shall, without notice and without Historic 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.
3. Upon the City Council's decision to revoke a designation, the Director shall cause a revocation notice to be sent to the property owner(s).

**7.5 24 ROAD CORRIDOR DESIGN STANDARDS AND GUIDELINES**

Refer to *24 Road Corridor Design Standards and Guidelines* document (under separate cover).

# **CHAPTER EIGHT**

## **ADMINISTRATION & ENFORCEMENT**

### **8.1 DIRECTOR**

The Director may delegate the authority, duties and powers pursuant to this Code.

### **8.2 INSPECTION**

The Director may enter or inspect any building, structure, lot, parcel or property to ensure compliance with the provisions of this Code. Such inspection shall be carried out during business hours unless the Director determines that an emergency exists. Entry onto those portions of private property which are not open to the public, business invites and others for the purpose of conducting owner's business, shall be made only after contact with the owner of the premises, whose permission for the inspection should be obtained. Application for any approval, development, or project constitutes permission to inspect all of the property including structures relating to the application. Failing permission from the owner, no inspection of private portions of property shall be undertaken without an order from the Municipal Court or another court of competent jurisdiction.

### **8.3 CODE VIOLATIONS AND ENFORCEMENT**

The remedies provided for violation(s) of any provision of this Code, City regulation or the Code of Ordinances, whether civil or criminal, shall be cumulative and be in addition to any other legal or equitable remedy. Except as otherwise provided, any development or use which is initiated or maintained or is not in compliance with the provisions of this Code is prohibited and shall be an "unlawful" development or use.

### **8.4 CONTINUING VIOLATIONS**

Each day that a violation of any provision of this Code exists, occurs or remains uncorrected shall constitute a separate violation.

### **8.5 CIVIL REMEDIES AND ENFORCEMENT POWERS**

**A. Withhold Permit.** The Director, for any unlawful use or development, may:

1. Deny or withhold any permit(s), certificate(s) or other form(s) of authorization to use or develop any land, structure or improvements thereon. This provision shall apply regardless of whether the current owner or applicant is responsible for the violation.
2. Revoke any development permit or other authorization when the Director determines:
  - a. That there is departure from the plans, specifications or conditions as required under terms of the permit or other authorization;
  - b. That the development permit was procured by false representation or was issued by mistake; or

- c. That any of the term(s), condition(s) or provision(s) are being violated or reasonably believed to be violated. Written notice of revocation shall be served upon the owner, the owner's agent or contractor that such permit was issued to or notice may be posted in a conspicuous or prominent location at the place of violation.
3. With or without revoking permits, stop work on a property where there is a violation of a provision of this Code or of a permit or other form of authorization issued hereunder.
4. Upon notice to the applicant the Director may petition the Planning Commission to, at public hearing, revoke the plan or other approval or condition its continuance on strict compliance with this Code, the provision of a financial guarantee or other security to ensure that construction is completed in compliance with approved plans or such other conditions as the Planning Commission may reasonably impose.
5. Initiate injunctive relief or abatement proceedings or other appropriate legal 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. The Director shall act to prevent, enjoin, abate or terminate violations.
6. Seek a court order in the nature of mandamus, abatement, injunction prohibition or other action or proceeding to abate or remove a violation or to otherwise restore the premises in question to the condition in which they existed prior to the violation.

**B. Civil Penalty.**

1. Any person who fails to comply with any provision of this Code shall be subject to a civil penalty of not less than \$100.00 or more than \$1000.00 for each offense.
2. 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 \$10,000.
3. Every such action shall be brought before the Municipal Court of the City. Municipal Court shall have original jurisdiction to hear and decide such cases.
4. The City 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.
5. 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 or cause of action.

**C. Other Remedies.** The City shall have such other powers and remedies as are and as may be provided by Colorado law for the violation of this or any duly and lawfully enacted Code.

**D. Continuation.** Nothing in this Code shall prohibit the continuation of enforcement actions undertaken by the City pursuant to previous lawful and valid ordinances, laws, rules or regulations.

## 8.6 CRIMINAL PENALTY

A violation(s) of any provision of this Code or any requirement or condition imposed pursuant to this Code, including violations of standards and requirements adopted by reference shall be a misdemeanor. Upon conviction, any person found in violation shall be punished by a fine of not more than \$1,000 or by imprisonment for not more than one year or by both fine and/or imprisonment, for each violation. Violations of Section 4.3, Temporary Signs, by the same owner and/or occupant which involves enforcement action more than once within a one year period are subject to the following fine schedule:

Second offense (up to).....\$ 50.00

Third offense (up to).....\$250.00

Each person violating 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.

## 8.7 ENFORCEMENT PROCEDURES

### A. Non-Emergency Matters.

1. For violations of this Code that do not constitute an emergency, the Director shall give notice of the general nature of the violation to the property owner, agent, occupant or any applicant for any relevant permit in a manner reasonably calculated to afford notice.
2. Enforcement action shall be stayed for a period of ten (10) days after notice, as provided in this section, has been posted on the property, mailed to the last known owner of the property or been hand delivered. Lack of personal notice shall not defeat any enforcement action.
3. Notice may be given in person, by United States mail, or by posting notice on the premises.
4. Notice of violation shall state the nature of the violation and the time period for compliance and may state the corrective steps necessary and the nature of subsequent penalties and enforcement actions should the situation not be corrected.
5. Notices are deemed to run with the land and may be recorded by the Director in the Mesa County land records.
6. Notices of violation are effective for twelve (12) months from the date of issue.

B. **Emergency Matters.** For violations of this Code, actual or alleged, that constitute an emergency as determined by the Director, City Council, City Manager or declaration of the county, state or federal government, the City may use the enforcement powers available under this chapter without prior notice.

# CHAPTER NINE

## DEFINITIONS

### 9.1 USE CATEGORIES

#### A. Basis for Classifications.

Use categories classify land uses and activities into use categories based on common functional, product, or physical characteristics. Characteristics include the type and amount of activity, the type of customers or residents, how goods or services are sold or delivered and site conditions. The use categories provide a systematic basis for assigning present and future land uses into appropriate zoning districts.

#### B. Principal Use Characteristics.

Principal uses are assigned to the category that most closely describes the nature of the principal use. The characteristics subsection of each use category describes the common characteristics of each principal use.

#### C. Considerations Used in Categorizing Principal Uses.

The following considerations shall be used to determine what category a use is in and whether the activities are to be considered principal or accessory uses:

1. The actual or projected characteristics of the activity in relationship to the stated characteristics of each use category;
2. The relative amount of site area or floor space and equipment devoted to the activity;
3. Relative amounts of sales from each activity;
4. The customer type for each activity;
5. The relative number of employees in each activity;
6. Hours of operation;
7. building and site arrangement;
8. Vehicles used with the activity;
9. The relative number of vehicle trips generated by the use;
10. Signs;
11. How the use advertises itself; and
12. Whether the activity is likely to be found independent of the other activities on the site.

#### D. Developments with Multiple Principal Uses.

When all principal uses of a development fall within one use category, the entire development is assigned to that use category. A development that contains a coffee shop, bookstore and bakery, for example, would be classified in the retail sales and service category because all of the development's principal uses are in that category. When the principal uses of a development fall within different use categories, each principal use is classified in the applicable category and each use is subject to all applicable regulations for that category.

**E. Accessory Uses.**

Accessory uses are allowed by right in conjunction with a principal use unless otherwise stated in the regulations. Also, unless otherwise stated, accessory uses are subject to the same regulations as the principal use. Common accessory uses are listed as examples in the use category descriptions.

**F. Use of Examples.**

The examples subsection of each use category lists common examples of uses included in the respective use category. The names of these sample uses are generic. They are based on common meanings and not on what a specific use may call itself. For example, a use that calls itself a wholesale warehouse but that sells mostly to consumers, is included in the retail sales and service category rather than the wholesale sales category. This is because the actual activity on the site matches the description of the retail sales and service category.

## **9.2 GROUP LIVING**

**A. Characteristics.**

Group living is characterized by the residential occupancy of a structure by a group of people who do not meet the definition of household living. Tenancy is arranged on a monthly or longer basis, and the size of the group may be larger than a family. Uses where tenancy may be arranged for a shorter period are not considered residential. They are considered to be a form of lodging (see the Retail Sales and Service and Community Service categories). Generally, group living structures have a common eating area for residents. The residents may receive care, training, or treatment, as long as the caregivers also reside at the site.

**B. Accessory Uses.**

Accessory uses commonly associated with group living are recreational facilities and parking of vehicles for occupants and staff.

**C. Examples.**

The group living category is further broken down into the following specific uses:

1. Unlimited;
2. Large;
3. Small;
4. Exceptions.

## **9.3 HOUSEHOLD LIVING**

**A. Characteristics.** Household living is characterized by the residential occupancy of a dwelling unit by a household. Tenancy is arranged on a month-to-month or longer basis. Uses where tenancy may be arranged for a shorter period are not considered residential. They are considered to be a form of transient lodging (see the Retail Sales and Service and Community Service categories).

**B. Accessory Uses.** Accessory uses commonly associated with household living are recreational activities, raising of pets, gardens, personal storage buildings, hobbies and parking of the occupants' vehicles. Home occupations and accessory dwelling units are accessory uses that are subject to additional regulations (See Section 4.1).

- C. **Examples.** Uses include living in houses, duplexes, triplexes, fourplexes and other multi-dwelling structures, retirement center apartments, manufactured housing and other structures with self-contained dwelling units.
- D. **Exceptions.** Lodging in a dwelling unit or where less than two thirds of the units are rented on a monthly or longer basis is considered a hotel or motel use and is classified in the retail sales and service category.

#### 9.4 COLLEGES

- A. **Characteristics.** This category includes colleges and other institutions of higher learning that offer courses of general or specialized study leading to a degree. Colleges tend to be in campus-like settings usually on multiple blocks.
- B. **Accessory Uses.** Accessory uses include offices, housing for students, food service, laboratories, health and sports facilities, theaters, meeting areas, parking, maintenance facilities and support commercial.
- C. **Examples.** Examples include universities, liberal arts colleges, community colleges, nursing and medical schools not accessory to a hospital and seminaries.
- D. **Exceptions.** Business and trade schools are classified as retail sales and service.

#### 9.5 COMMUNITY SERVICES

- A. **Characteristics.** Community Services are uses of a public, nonprofit, or charitable nature generally providing a local service to people of the community. Generally, they provide the service on-site or have employees at the site on a regular basis. The service is ongoing, not just for special events. Community centers or facilities that have membership provisions are open to the general public to join at any time (for instance, any senior citizen could join a senior center). The use may provide special counseling, education, or training of a public, nonprofit or charitable nature.
- B. **Accessory Uses.** Accessory uses may include offices; meeting areas; food preparation areas; parking, health and therapy areas; and athletic facilities.
- C. **Examples.** Examples include libraries, museums, senior centers, community centers, publicly owned swimming pools, youth club facilities, hospices, social service facilities, temporary shelters, vocational training for persons with physical or mental disabilities, crematoriums, columbariums and mausoleums.
- D. **Exceptions.**
  - 1. Private lodges, clubs and private or commercial athletic or health clubs are classified as retail sales and service. Commercial museums are classified as retail sales and service.
  - 2. Parks are classified as parks and open areas.
  - 3. Uses where tenancy is arranged on a month-to-month basis, or for a longer period are residential and are classified as household or group living.

#### 9.6 DAY CARE

- A. **Characteristics.** Day Care uses provide care, protection and supervision for children or adults on a regular basis away from their primary residence for less than twenty-four (24) hours per day. There are two types of day care:

1. **Home-Based Day Care.** A home-based day care provides care protection and supervision for up to twelve (12) individuals, not including children of the day care provider, or as allowed by State licensing.
  2. **General Day Care.** A general day care provides care protection and supervision for twelve (12) or more individuals, or as licensed by the State.
- B. Accessory Uses.** Accessory uses include offices, recreation areas and parking.
- C. Examples.** Examples include preschools, nursery schools, latch key programs and adult day care programs. ChildCare Centers, as defined in C.R.S. 26-6-102(1.5), are classified as day care uses under this Code.
- D. Exceptions.** Day Care does not include public or private schools or facilities operated in connection with an employment use, shopping center or other principal use, where children are cared for while parents or guardians are occupied on the premises or in the immediate vicinity.

## 9.7 HOSPITALS

- A. Characteristics.** Hospitals include uses providing medical or surgical care to patients and offering overnight care.
- B. Accessory Uses.** Accessory uses include outpatient clinics, offices, laboratories, teaching facilities, meeting areas, cafeterias, parking, maintenance facilities and housing facilities for staff or trainees.
- C. Examples.** Examples include medical centers and hospitals.
- D. Exceptions.**
1. Uses that provide exclusive care and planned treatment or training for psychiatric, alcohol, or drug problems, where patients are residents of the program, are classified as group living facilities.
  2. Medical clinics or centers that provide care where patients are generally not kept overnight are classified as office.
  3. Emergency medical clinics are classified as retail sales and service.

## 9.8 PARKS AND OPEN AREAS

- A. Characteristics.** Parks and open areas are uses of land focusing on natural areas, large areas consisting mostly of vegetative landscaping or outdoor recreation, community gardens, or public squares. Lands tend to have few structures.
- B. Accessory Uses.** Accessory uses may include clubhouses, maintenance facilities, concessions, caretaker's quarters and parking.
- C. Examples.** Examples include parks, golf courses, cemeteries, public squares, plazas, playgrounds, ballfields, recreation areas, recreational trails, botanical gardens, nature preserves and land used for grazing that is not part of a farm or ranch.

## 9.9 RELIGIOUS INSTITUTIONS

- A. Characteristics.** Religious Institutions primarily provide meeting areas for religious activities.

- B. **Accessory Uses.** Accessory uses include Sunday school facilities, parking, caretaker dwellings and group living facilities such as convents.
- C. **Examples.** Examples include churches, temples, synagogues and mosques.

## 9.10 SAFETY SERVICES

- A. **Characteristics.** Safety Services are uses that provide public safety and emergency response services. They often need to be located in or near the area where the service is provided. Employees are regularly present on-site.
- B. **Accessory Uses.** Accessory uses include offices and parking.
- C. **Examples.** Examples include fire stations, police stations and emergency medical and ambulance stations.

## 9.11 SCHOOLS

- A. **Characteristics.** This category includes public and private schools at the primary, elementary, middle, junior high, or high school level that provide elective or state-mandated education.
- B. **Accessory Uses.** Accessory uses include play areas, cafeterias, recreational and sport facilities, auditoriums and before- or after-school day care.
- C. **Examples.** Examples include public and private daytime schools, boarding schools and military academies.
- D. **Exceptions.**
  - 1. Preschools are classified as day care uses.
  - 2. Business and trade schools are classified as retail sales and service.

## 9.12 UTILITIES, BASIC

- A. **Characteristics.** Basic utilities are infrastructure services that need to be located in or near the area where the service is provided. Basic utility uses generally do not regularly have employees at the site. Services may be publicly or privately provided.
- B. **Accessory Uses.** Accessory uses may include parking and control, monitoring, data or transmission equipment.
- C. **Examples.** Examples include water and sewage pump stations; electrical substations; water towers and reservoirs; stormwater retention and detention facilities; telephone exchanges; recycling drop-off stations; and park-and-ride facilities for mass transit.
- D. **Exceptions.**
  - 1. Services where people are generally present are classified as Community Services, Offices, or Safety Services.
  - 2. Utility offices where employees or customers are generally present are classified as offices.
  - 3. Bus barns are classified as warehouse and freight movement.

## 9.13 UTILITY CORRIDORS

- A. **Characteristics.** This category includes public or private passageways, including easements, for the express purpose of transmitting or transporting electricity, gas, oil, water, sewage, communication signals, or other similar services on a regional level.

- B. **Examples.** Examples include major utility transmission lines and pipelines, including 115kV or larger electrical transmission lines.
- C. **Exceptions.** Utility corridors located within public rights-of-way are not included.

#### **9.14 ENTERTAINMENT EVENT, MAJOR**

- A. **Characteristics.** Major entertainment event uses are characterized by activities and structures that draw large numbers of people to specific events or shows. Activities are generally of a spectator nature.
- B. **Accessory Uses.** Accessory uses may include restaurants, bars, concessions, parking and maintenance facilities.
- C. **Examples.** Examples include stadiums, sports arenas, coliseums, auditoriums, exhibition and meeting areas and fairgrounds.
- D. **Exceptions.**
  - 1. Exhibition and meeting areas with less than 20,000 square feet of total event area are classified as retail sales and service.
  - 2. Banquet halls that are part of hotels or restaurants are accessory to those uses, are included in the retail sales and service category.
  - 3. Theaters, including drive-in theaters, are classified as retail sales and service.
  - 4. Recreation or entertainment uses conducted on a continuous basis are classified as outdoor recreation and entertainment or retail sales and service uses.

#### **9.15 OFFICE**

- A. **Characteristics.** Office uses are characterized by activities conducted in an office setting and generally focusing on business, government, professional, medical, or financial services.
- B. **Accessory Uses.** Accessory uses may include cafeterias, health facilities, parking, or other amenities primarily for the use of employees in the firm or building.
- C. **Examples.** Examples include professional services such as lawyers, accountants, engineers, or architects; financial businesses such as lenders, brokerage houses, bank headquarters, or real estate agents; data processing; sales offices; government offices and public utility offices; TV and radio studios; medical and dental clinics, medical and dental labs; and blood-collection facilities.
- D. **Exceptions.**
  - 1. Offices that are part of and located with a principal use in another category are considered accessory. Headquarters offices, when in conjunction with or adjacent to a principal use in another category, are considered part of the other category.
  - 2. Contractors and others who perform services off-site are included in the office category if equipment and materials are not stored on the site and fabrication, services, or similar work is not carried on at the site.

## **9.16 PARKING, COMMERCIAL**

- A. **Characteristics.** Commercial parking facilities provide parking that is not accessory to a specific use. A fee may or may not be charged. A facility that provides both accessory parking for a specific use and regular fee parking for people not connected to the use is also classified as a commercial parking facility.
- B. **Accessory Uses.** In a parking structure only, accessory uses may include gasoline sales, car washing and vehicle repair activities if these uses provide service only to vehicles parked in the garage.
- C. **Examples.** Examples include short- and long-term fee parking facilities and mixed parking lots (partially accessory to a specific use, partly for rent to others).
- D. **Exceptions.**
  - 1. Parking facilities that are accessory to a use, but that charge the public to park for occasional events nearby, aren't considered commercial parking facilities.
  - 2. Parking facilities that are accessory to a principal use are not considered commercial parking uses, even if the operator leases the facility to the principal use or charges a fee to the individuals who park in the facility.
  - 3. Public transit park-and-ride facilities are classified as basic utilities.

## **9.17 RECREATION AND ENTERTAINMENT, OUTDOOR**

- A. **Characteristics.** Outdoor recreation and entertainment uses are large, generally commercial uses that provide continuous recreation or entertainment-oriented activities. They primarily take place outdoors. They may take place in a number of structures that are arranged together in an outdoor setting.
- B. **Accessory Uses.** Accessory uses may include concessions, restaurants, parking, caretaker's quarters and maintenance facilities.
- C. **Examples.** Examples include riding academies, roping arenas, equestrian arenas, amusement parks, theme parks, golf driving ranges, miniature golf facilities and zoos.
- D. **Exceptions.**
  - 1. Golf courses are classified as parks and open space.
  - 2. Uses that draw large numbers of people to periodic events, rather than on a continuous basis, are classified as major entertainment events.

## **9.18 RETAIL SALES AND SERVICE**

- A. **Characteristics.** Retail sales and service firms are involved in the sale, lease or rent of new or used products to the general public. They may also provide personal services or entertainment, or provide product repair or services for consumer and business goods.
- B. **Accessory Uses.** Accessory uses may include offices, storage of goods, manufacture or repackaging of goods for on-site sale and parking.
- C. **Examples.** Examples include uses from the four following groups:
  - 1. **Sales-Oriented:**  
Stores selling, leasing, or renting consumer, home and business goods including art, art supplies, bicycles, clothing, dry goods, electronic equipment, fabric, furniture, garden supplies, gifts, groceries, hardware, home improvements, household products, jewelry, pets, pet food,

pharmaceuticals, plants, printed material, stationary and videos; food sales and sales or leasing of consumer vehicles including passenger vehicles, motorcycles, light and medium trucks and other recreational vehicles, wineries, and fruit and vegetable stands.

2. **Personal Service-Oriented:**  
Branch banks; emergency medical care; laundromats; photographic studios; photocopy and blueprint services; hair, tanning and personal care services; business, martial arts and other trade schools; dance or music classes; taxidermists; mortuaries; veterinarians; and animal grooming.
3. **Entertainment-Oriented:**  
Restaurants, cafes, delicatessens, bars and taverns; indoor continuous entertainment activities such as bowling alleys, ice rinks and game arcades; pool halls; dance halls; indoor firing ranges; theaters, health clubs, gyms, membership clubs and lodges; hotels, motels, recreational vehicle parks and other temporary lodging with an average length of stay of less than 30 days.
4. **Repair-Oriented:**  
Repair of TVs, bicycles, clocks, watches, shoes, guns, appliances and office equipment; photo or laundry drop-off; tailor; locksmith; and upholsterer.

#### **D. Exceptions.**

1. Lumber yards and other building material sales that sell primarily to contractors and do not have a retail orientation are classified as wholesale sales.
2. Repair and service of consumer motor vehicles, motorcycles and light and medium trucks are classified as vehicle repair. Repair and service of industrial vehicles and equipment and heavy trucks are classified as industrial service.
3. Sales, rental, or leasing of heavy trucks and equipment or manufactured housing units are classified as wholesale sales.
4. Hotels, restaurants and other services that are part of a truck stop are considered accessory to the truck stop, which is classified as industrial service.
5. In certain situations, hotels and motels may be classified as a community service use, such as short-term housing or mass shelter. See Community Services.

### **9.19 SELF-SERVICE STORAGE**

- A. **Characteristics.** Self-service storage uses provide separate storage areas for individual or business uses. The storage areas are designed to allow private access by the tenant for storing or removing personal property.
- B. **Accessory Uses.** Accessory uses may include living quarters for a resident manager or security and leasing offices. Use of the storage areas for sales, service and repair operations, or manufacturing is not considered accessory to the self-service storage

use. The rental of trucks or equipment is also not considered accessory to a self-service storage use.

- C. **Examples.** Examples include facilities that provide individual storage areas for rent. These uses are also called mini-warehouses.
- D. **Exceptions.** A transfer and storage business where there are no individual storage areas or where employees are the primary movers of the goods to be stored or transferred is in the warehouse and freight movement category.

## 9.20 VEHICLE REPAIR

- A. **Characteristics.** Vehicle repair includes servicing passenger vehicles, light and medium trucks and other consumer motor vehicles such as motorcycles, boats and recreational vehicles. The customer may wait at the site while the service or repair is being performed, but generally not.
- B. **Accessory Uses.** Accessory uses may include offices, sales of parts and vehicle storage.
- C. **Examples.** Examples include vehicle repair, transmission or muffler shop, auto body shop, alignment shop, auto upholstery shop, auto detailing and tire sales and mounting.
- D. **Exceptions.** Repair and service of industrial vehicles and equipment and of heavy trucks; towing and vehicle storage; and vehicle wrecking and salvage are classified as industrial service.

## 9.21 VEHICLE SERVICE, LIMITED

- A. **Characteristics.** Limited vehicle service uses provide direct services to motor vehicles where the driver or passengers generally wait in the car or nearby while the service is performed.
- B. **Accessory Uses.** Accessory uses may include auto repair and tire sales.
- C. **Examples.** Examples include full-service, mini-service and self-service gas stations; car washes; and quick lubrication services.
- D. **Exceptions.**
  - 1. Truck stops are classified as industrial service.
  - 2. Refueling facilities for vehicles that belong to a specific use (fleet vehicles) are considered accessory uses if they are located on the site of the principal use.

## 9.22 INDUSTRIAL SERVICE

- A. **Characteristics.** Industrial Service firms are engaged in the repair or servicing of industrial, business or consumer machinery, equipment, products or by-products. Firms that service consumer goods do so by mainly providing centralized services for separate retail outlets. Contractors and building maintenance services and similar uses perform services off-site. Few customers, especially the general public, come to the site.
- B. **Accessory Uses.** Accessory activities may include offices, parking and storage.

- C. **Examples.** Examples include welding shops; machine shops; tool repair; electric motor repair; repair of scientific or professional instruments; sales, repair, storage, salvage or wrecking of heavy machinery, metal and building materials; towing and vehicle storage; auto and truck salvage and wrecking; heavy truck servicing and repair; tire retreading or recapping; truck stops; building, heating, plumbing or electrical contractors; printing, publishing and lithography; exterminators; janitorial and building maintenance services; fuel oil distributors; solid fuel yards; research and development laboratories; laundry, dry-cleaning and carpet cleaning plants; and photofinishing laboratories.
- D. **Exceptions.**
1. Contractors and others who perform services off-site are included in the office category, if major equipment and materials are not stored at the site and fabrication, or similar work is not carried on at the site.
  2. Hotels, restaurants and other services that are part of a truck stop are considered accessory to the truck stop.

## 9.23 MANUFACTURING AND PRODUCTION

- A. **Characteristics.** Manufacturing and production uses are involved in the manufacturing, processing, fabrication, packaging, or assembly of goods. Natural, man-made, raw, secondary, or partially completed materials may be used. Products may be finished or semifinished and are generally made for the wholesale market, for transfer to other plants, or to order for firms or consumers. Goods are generally not displayed or sold on site, but if so, they are a subordinate part of sales. Relatively few customers come to the manufacturing site.
- B. **Accessory Uses.** Accessory activities may include offices, cafeterias, parking, employee recreational facilities, warehouses, storage yards, repair facilities, truck fleets and caretaker's quarters.
- C. **Examples.** Examples include processing of food and related products; catering establishments; slaughter houses and meat packing; weaving or production of textiles or apparel; lumber mills, pulp and paper mills and other wood products manufacturing; woodworking, including cabinet makers; production of chemical, rubber, leather, clay, bone, plastic, stone, or glass materials or products; movie production facilities; concrete batching and asphalt mixing; production or fabrication of metals or metal products including enameling and galvanizing; manufacture or assembly of machinery, equipment, instruments, including musical instruments, vehicles, appliances, precision items and other electrical items; production of artwork and toys; sign making; and production of prefabricated structures, including mobile homes.
- D. **Exceptions.**
1. Manufacturing of goods to be sold primarily on-site and to the general public are classified as retail sales and service.
  2. Manufacture and production of goods from composting organic material is classified as waste-related uses.

## 9.24 WAREHOUSE AND FREIGHT MOVEMENT

- A. **Characteristics.** Warehouse and freight movement uses are involved in the storage, or movement of goods for themselves or other firms. Goods are generally delivered to other firms or the final consumer, except for some will-call pickups. There is little on-site sales activity with the customer present.
- B. **Accessory Uses.** Accessory uses may include offices, truck fleet parking and maintenance areas.
- C. **Examples.** Examples include separate warehouses used by retail stores such as furniture and appliance stores; household moving and general freight storage; cold storage plants, including frozen food lockers; storage of weapons and ammunition; major wholesale distribution centers; truck, or air freight terminals; bus barns; parcel services; major post offices; and grain terminals.
- D. **Exceptions.**
  - 1. Uses that involve the transfer or storage of solid or liquid wastes are classified as waste-related uses.
  - 2. Mini-warehouses are classified as self-service storage uses.

## 9.25 WASTE-RELATED

- A. **Characteristics.** Waste-related uses are characterized by uses that receive solid or liquid wastes from others for disposal on the site or for transfer to another location, uses that collect sanitary wastes, or uses that manufacture or produce goods or energy from the composting of organic material. Waste-related uses also include uses that receive hazardous wastes from others.
- B. **Accessory Uses.** Accessory uses may include recycling of materials, offices and repackaging and transshipment of by-products.
- C. **Examples.** Examples include sanitary landfills, tire disposal or recycling, waste composting, recycling processing facilities, incinerators, energy recovery plants, sewage plants, brine disposal/storage and hazardous-waste-collection sites.
- D. **Exceptions.** Disposal of dirt, concrete, asphalt and similar non-decomposable materials is considered fill. Recycling drop-off stations (no on-site processing) are basic utility uses.

## 9.26 WHOLESALE SALES

- A. **Characteristics.** Wholesale sales uses are involved in the sale, lease, or rental of products primarily intended for industrial, institutional, or commercial businesses. The uses emphasize on-site sales or order taking and often include display areas. Businesses may or may not be open to the general public, but sales to the general public are limited. Products may be picked up on-site or delivered to the customer.
- B. **Accessory Uses.** Accessory uses may include offices, product repair, warehouses, parking, minor fabrication services and repackaging of goods.
- C. **Examples.** Examples include sale or rental of machinery, equipment, heavy trucks, building materials, special trade tools, welding supplies, machine parts, electrical supplies, janitorial supplies, restaurant equipment and store fixtures; mail order houses; and wholesalers of food, clothing, auto parts, building hardware.

**D. Exceptions.**

1. Firms that engage primarily in sales to the general public or on a membership basis are classified as retail sales and service.
2. Firms that are primarily storing goods with little on-site business activity are classified as warehouse and freight movement.

**9.27 AGRICULTURE**

**A. Characteristics.** Agriculture includes activities that primarily involve raising, producing or keeping plants or animals.

**B. Accessory Uses.** Accessory uses include dwellings for proprietors and employees of the use, animal training, and wholesale sales of products produced on-site.

**C. Examples.** Examples include breeding or raising of fowl or other animals; dairy farms; stables; riding academies; kennels or other animal boarding places; farming, orchards, vineyards, truck gardening, forestry, tree farming; and wholesale plant nurseries.

**D. Exceptions.**

1. Processing of animal or plant products are classified as manufacturing and Production.
2. Livestock auctions are classified as wholesale sales.
3. Plant nurseries that are oriented to retail sales are classified as retail sales and service.

**9.28 AVIATION AND SURFACE PASSENGER TERMINALS**

**A. Characteristics.** Aviation and surface passenger terminals include facilities for the landing and takeoff of aircraft, including loading and unloading areas. Aviation facilities may be improved or unimproved. Aviation and surface passenger terminals also include passenger terminals for aircraft, regional bus service and regional rail service.

**B. Accessory Uses.** Accessory uses include freight handling areas, concessions, offices, parking and maintenance and fueling facilities.

**C. Examples.** Examples include airports, bus passenger terminals for regional bus service, railroad passenger stations for regional rail service and helicopter landing facilities.

**D. Exceptions.**

1. Bus and rail passenger stations for subregional service such as mass transit stops and park-and-ride facilities are classified as basic utilities.
2. Private helicopter landing facilities that are accessory to another use, are considered accessory uses. However, they are subject to all the regulations and approval criteria for helicopter landing facilities.

**9.29 DETENTION FACILITIES**

**A. Characteristics.** Detention facilities include facilities for the judicially required detention or incarceration of people. Inmates and detainees are under twenty-four (24) hour supervision by peace officers, except when on an approved leave.

- B. **Accessory Uses.** Accessory uses include offices, recreational and health facilities, therapy facilities, maintenance facilities and hobby and manufacturing activities.
- C. **Examples.** Examples include prisons, jails, probation centers.
- D. **Exceptions.** Programs that provide care and training or treatment for psychiatric, alcohol, or drug problems, where patients are residents of the program, but where patients are not supervised by peace officers are classified as group living. Programs that provide transitional living experience for former offenders, such as halfway houses, where residents are not supervised by peace officers, are also classified as group living.

### 9.30 MINING

- A. **Characteristics.** Mining includes mining or extraction of mineral or aggregate resources from the ground for off-site use.
- B. **Accessory Uses.** Accessory uses include storage, sorting, stockpiling, or transfer off-site of the mined material.
- C. **Examples.** Examples include quarrying or dredging for sand, gravel or other aggregate materials; mining; and oil, gas, or geothermal drilling.

### 9.31 TELECOMMUNICATIONS FACILITIES

- A. **Characteristics.** Telecommunications facilities includes all devices, equipment, machinery, structures or supporting elements necessary to produce non-ionizing electromagnetic radiation within the range of frequencies from 100 KHz to 300 GHz and operating as a discrete unit to produce a signal or message. Facilities may be self supporting, guyed, mounted on poles, other structures, light posts, power poles, or buildings. Facilities shall also include intertie and interconnection translators, connections from over-the-air to cable, fiber optic, or other landline transmission system.
- B. **Accessory Uses.** Accessory use may include transmitter facility buildings.
- C. **Examples.** Examples include broadcast towers, communication towers and point-to-point microwave towers.
- D. **Exceptions.**
  - 1. Receive-only antennas are not included in this category.
  - 2. Radio and television studios are classified in the office category.
  - 3. Radio and television broadcast facilities that are public safety facilities are classified as basic utility facilities.

### 9.32 TERMS DEFINED

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 New Illustrated Book of Development Definitions, 1997. Absent guidance there, words not found in this book shall be defined by reference to the Webster's Third New International Dictionary unabridged, 1993.

#### ABANDONMENT

The relinquishment of property, or a cessation of the use of the property, by the owner or lessee without any intention of transferring rights to the property to another owner or of resuming the use of the property.

#### ABUT/ABUTTING

Uses or parcels which directly touch. (Parcels across a public Right-of-Way would not be abutting, but would be adjacent.)

#### ACCESS

A way or means of approach to provide vehicular or pedestrian physical entrance to a property.

#### 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. (See Exhibit 9.1)

#### ACCESSORY DWELLING UNIT

A dwelling unit which is secondary to a principal dwelling unit which may be attached to the principal structure or freestanding.

#### ACCESSORY USE

The use of land or of a building customarily incidental to, subordinate to, and supportive of the principal use of the parcel.

#### ADDITION

1. A structure added to the original structure at some time after certificate of occupancy has been issued for the original structure; 2. An extension or increase in floor area or height of a building or structure.

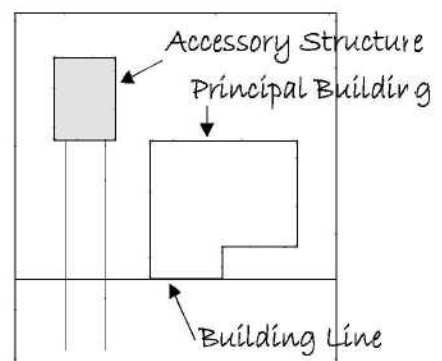


Exhibit 9.1

**ADJACENT**

Property or use, any portion of which is within a 100 foot radius. Public right-of-way, easements, canals or waste ditches, and waterways are not counted when deciding if one property or use is adjacent to another.

**ADJOIN**

A lot or parcel of land that shares all or part of a common lot line with another lot or parcel of land.

**ADMINISTRATIVE DECISION**

Any decision on a development application made by an authorized City employee pursuant to this Code.

**ADULT DAY TREATMENT CENTER**

A facility for the care of adults who require nursing or physical assistance and/or supervision during the day by licensed caregivers and staff.

**ADULT ENTERTAINMENT ESTABLISHMENTS**

See Section 4.5, Adult Entertainment.

**ADULT FOSTER HOME**

A residence for the care of persons who are unable to live alone in safety.

**ADULT MATERIAL**

See Section 4.5, Adult Entertainment.

**ADVERSE IMPACT**

A condition that creates, imposes, aggravates, or leads to inadequate, impractical, unsafe, or unhealthy conditions on a site proposed for development or on off-tract property or facilities.

**AGRI-BUSINESS**

A business and/or commercial use operated primarily for the support of agricultural needs. Such use 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**

The following animals are considered agricultural animals to an agricultural use, whether used for personal enjoyment or for commercial purposes: horses, mules, burros, sheep, cattle, rabbits, chickens, ducks and geese.

**AGRICULTURAL PRODUCE**

Fruit, vegetables, eggs and honey prior to processing of any kind other than washing. Canned fruits or vegetables, preserves, wine, meat and dairy products shall not be considered agricultural produce for the purposes of this Code.

**AGGRIEVED PERSON**

Person having suffered actual loss or injury or being exposed to potential loss or injury to legitimate interests including, but not limited to, business, economic, aesthetic, governmental, recreational, or conservation interests.

**AIRPORT ENVIRONS**

See Section 7.3 Airport Environs Zoning District.

**ALLEY**

A service road providing a secondary means of public access to abutting property and not intended for general traffic circulation.

**ALTERATIONS**

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.

**AMATEUR RADIO**

Radio communications, which are licensed or regulated as such by the Federal Communications Commission, and are not subject to provisions of this Code.

**AMORTIZATION**

A method of eliminating nonconforming uses by requiring the termination of the nonconforming use after a specified period of time.

**ANIMAL CARE, BOARDING, SALES**

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.

**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.

**ANNEXATION**

The incorporation of a land area into an existing community with a resulting change in the boundaries of that community.

**ANTENNA**

Any device designed and intended for transmitting or receiving television, radio, microwave signals, or other electromagnetic waves. An antenna includes all mounting and stabilizing items such as a tower, a pole, a bracket, guy wires, hardware, connection equipment and related items.

**APPEAL**

A request for a review of the Grand Junction Community Development Department's interpretation of any provisions of this Code or a request for a variance therefrom.

**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. "Developer" or "Subdivider" may be used interchangeably.

**APPLICATION**

A written request for any approval, permit, or action required by this Code. "Proposals" and "requests" are used interchangeably. An application is not complete until each requirement in this Code is met and all fees are paid.

**APPURTENANCES**

The visible, functional, or ornamental objects accessory to and part of buildings.

**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 SPECIAL FLOOD HAZARD (Also Floodplain)**

The land in the floodplain subject to a one- percent (1%) or greater chance of flooding in any given year.

**AUTOMOBILE SALES ESTABLISHMENT AND LOTS**

An open area used for the display, sale or rental of new and/or used motor vehicles.

**AVERAGE**

Unless specified otherwise, the arithmetic mean.

**AVIGATION EASEMENTS**

See Section 7.3., Airport Environs Zoning District. 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, and federal laws (such as noise pollution laws) to cause noise, vibrations, smoke, fumes, glare, dust, fuel particles, and other effects of aircraft operations.

**BAR**

Premises used primarily for the sale or dispensing of alcoholic beverages by the drink for on-site consumption and where food may be available for consumption as an accessory use. An establishment that serves both food and alcoholic beverages shall be categorized as a bar if the sale of said beverages comprises more than twenty-five (25) percent of the gross receipts.

**BASE FLOOD**

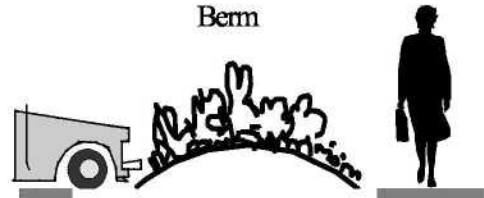
The flood having a one percent (1%) chance of being equaled or exceeded in any given year.

**BED AND BREAKFAST**

A house, or portion thereof, where short-term lodging rooms and meals are provided. The operator of the inn shall live on the premises or in adjacent premises.

**BERM**

A mound of earth designed so that slope drainage is directed away from a paved area and sidewalks, which serve as a screen or Bufferyard with landscaping (see Section 6.5.F). (see Exhibit 9.2)



**Exhibit 9.2**

**BLOCK**

A land area consisting of contiguous lots established by recorded plats, usually bordered by a combination of streets, public parks, cemeteries, railroad right-of-way, or other barrier to the continuity of development.

**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 30 feet), 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 Board of Appeals.

**BOARDING AND ROOMING HOUSE**

A building containing a single dwelling unit and three or more rooms where lodging is provided, with or without meals, for compensation. "Compensation" may include money, services or other things of value.

**BUFFERING**

The process of creating transition between zones by use of open spaces, landscaped areas, fences, walls, berms or any combination thereof used to physically separate or screen one use or property from another so as to visually shield or block noise, lights or other nuisances.

**BUFFERYARD**

A strip of land established to protect one type of land use from another land use or to provide screening. Normally, a bufferyard is landscaped and developed in open space areas.

**BUILDING**

Any structure used or intended for supporting or sheltering any use or occupancy. (See also Structure).

**BUILDING DESIGN CAPACITY**

The maximum occupancy load of a building as provided by the most recent version of the Uniform Building Code adopted by the City.

**BUILDING ENVELOPE**

The three dimensional space occupied by a building, including all eaves, covered porches, breezeways and other portions of the building, but excluding attached decorative walls which are less than or equal to three feet in height.

**BUILDING FACADE**

That exterior side of a building which faces, and is most nearly parallel to, a public or private street.

**BUSINESS RESIDENCE**

A single residential dwelling unit, accessory to, and located within, a structure primarily devoted to business or commercial uses (see Sections 4.12 and Table 3.5).

**CALIPER**

The diameter of a tree trunk.

**CAMPGROUND, OVERNIGHT**

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

**CAMPGROUND, RECREATIONAL**

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

**CARETAKER DWELLING**

A dwelling used as the residence for the person(s) who administer, care and maintain a particular community service or recreational use, which dwelling is located on the site of that use.

**CARPORT**

A roofed structure providing space for the storage of one or more motor vehicles and enclosed on not more than two sides by walls.

**CENTERLINE**

The true centerline of a street right-of-way that has been fully dedicated to the required width according to the master street plan.

**CERTIFICATE OF OCCUPANCY**

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

**CHANGE IN USE**

A change from one principal use of a building or land to another principal use of the building or land when there is no increase in the size of the existing building or extent of the use of the land, but one or more of the following factors are present and confirmed for the new use:

1. The new use has an off-street parking requirement per the City zoning and Development Code which is greater than parking available and necessary per the Code; or
2. The number of vehicle trips generated by the new use is or will be greater than the number of vehicle trips generated by the previous use as determined by the Institute of Transportation Engineers Trip Generation, latest edition, and a building permit is required; or
3. The amount of stormwater runoff or impervious (to drainage) surface area will be increased with the new use.

*[Note: if there is a change from one principal use of a Building or land to another principal use of a Building or land, but there is no increase in the size of the existing Building or extent or the Use of the land and none of the three previous factors apply, a change of use shall not have occurred]*

**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.

## **CIVIC USE**

A municipal use that may include cultural, recreational, athletic, convention and entertainment facilities.

## **CLEAR ZONE (Airport)**

An area located directly off the end of an airport runway in which no above-ground construction or obstruction is permitted.

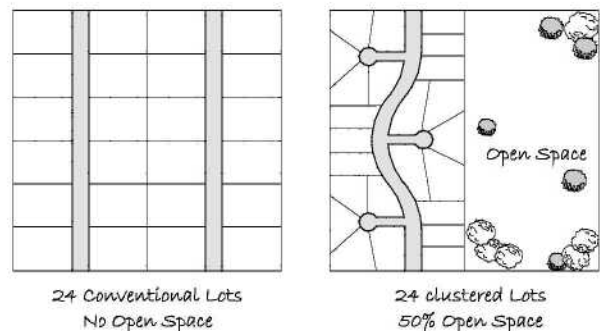
## **CLUSTER/CLUSTERED**

A development that complies with the requirements, rules and design guidelines set forth in Chapter Six.

## **CLUSTER DEVELOPMENT**

A development design technique that concentrates buildings in specific areas on a site to allow the remaining land to be used for recreation, common open space and preservation of environmentally sensitive areas. (see Exhibit 9.3)

**Exhibit 9.3**



## **CODE**

Unless otherwise specified refers to the City of Grand Junction Zoning and Development Code, which is also referred to as Title 33 of the Code of Ordinances for the City of Grand Junction.

## **COLLECTOR STREET**

Streets, as identified in the master street plan which access neighborhoods and routes serving intra-city rather than intra-state travel.

## **COLOCATION**

The location of wireless communication facilities on an existing structure, tower, or building in a manner so that an additional tower, structure or facility is not required.

## **COMMERCIAL VEHICLE**

Commercial vehicles shall include all vehicles that require the issuance of any of the following license plates by the State of Colorado: passenger bus plates; GVW truck and GVW tractor plates; farm trucks and farm tractor plates; special mobile machinery plates/tabs; special use vehicle plates; light truck plates; but shall not include the following: any vehicle issued any of the above license plates that otherwise would be issued passenger plates or recreational truck plates by the State of Colorado were the

vehicle not used for commercial purposes; any pickup truck issued light truck plates with bed rails no higher than 30 inches from the floor of the bed; any van issued light truck plates whose basic design could serve as a passenger van and be issued passenger plates.

## **COMMISSION**

The Grand Junction Planning Commission.

## **COMMON ELEMENTS**

Land amenities, certain areas of buildings, such as lobbies, corridors and hallways, central services and utilities and any other elements and facilities owned and used by all owners and designated in the master deed as common elements.

## **COMMON OPEN SPACE**

Land within or related to a development, not individually owned or dedicated for public use, that is designed and intended for the common use or enjoyment of the residents and their guests of the development and may include such complementary structures and improvements as are necessary and appropriate.

## **COMMUNITY CORRECTIONS FACILITY**

1. A facility providing residential or nonresidential 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 nonresidential services substantially similar to that described in 17-27-102(3), C.R.S., although not being administered pursuant to 17-27-101 *et seq.*, 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 17-27-101 *et seq.*, C.R.S. shall identify, and provide as required by the Director, the rules and contract under which such facility is regulated and administered.

A community corrections facility shall provide to the Director, 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, person accused or convicted of a felony, misdemeanor or other criminal offense.

**CONCEALED, or STEALTH**

Any tower or telecommunications facility which is designed to enhance compatibility with adjacent land, buildings, structure and uses, including, but not limited to, architecturally screened roof-mounted antennas, antennas integrated into architectural elements and towers designed to not look like a tower such as light poles, power poles and trees. The term stealth does not necessarily exclude the use of uncamouflaged lattice, guyed or monopole tower designs.

**CONCENTRATED FABRICATION (also: Light and Heavy Fabrication)**

Fabrication is defined as the manufacturing from standardized parts of a distinct object differing from the individual components.

**CONCEPT PLAN**

A generalized plan indicating the boundaries of a tract or tracts under common ownership, and identifying proposed land use, land use intensity and thoroughfare alignment.

**CONDITIONAL USE**

A use identified by this Code which requires action by the Planning Commission or City Council after public hearings. A conditional use means a use which, because of its unique or varying characteristics, cannot be properly classified as a permitted use in a particular district. After due consideration, as provided for in Section 2.13 of this Code, of the impact upon neighboring land and of the public need for the particular use at a particular location, such conditional use may or may not be approved.

**CONDOMINIUM**

As defined in C.R.S. 38-33-103, or any successor statute.

**CONSTRUCTION PLAN**

Complete construction drawings of a facility or improvement, including but not limited to road plans and profiles, drainage plans and utility plans.

**CONTIGUOUS**

Next to, abutting, or touching and having a boundary, or portion thereof, that is coterminous.

**CONTINUOUS COMMERCIAL CENTER**

One structure with multiple separate uses; all retail at service to businesses on one parcel zoned B-1.

**CONVALESCENT HOME**

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

**CONVEY**

To transfer all or a part of a title or equitable interest in land; to lease or assign an interest in land; or to transfer any other land interest.

**COUNSELING CENTER**

A facility where individuals or small groups are provided professional counseling assistance with personal, emotional, marital, medical, or similar problems on an outpatient basis.

**COUNTY**

Mesa County.

**COURTYARD**

An open area, unobstructed from the ground to sky, that is bounded on at least three sides by the exterior walls of one or more buildings.

**CRITICAL ZONE (Airport)**

A rectangular-shaped zone located directly off the end of a runway's primary surface, which is critical to aircraft operations.

**CUL-DE-SAC**

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

**CULTURAL FACILITIES**

Establishments that document the social and religious structures and intellectual and artistic manifestations that characterize a society and include museums, art galleries, and botanical and zoological gardens of a natural, historic, educational, or cultural interest.

**CURB FACE**

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

**DAYCARE**

An establishment providing for the care, supervision, and protection of children.

**DAY-NIGHT SOUND LEVEL (Ldn)**

See Section 7.3, Airport Environs Zoning District.

**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.

**DECORATIVE WALL**

Masonry or masonry with wood, with surface variations so that it is dissimilar from a plain cinderblock wall.

**DEDICATION**

The transfer of property by the owner to another party.

**DEED**

A legal document conveying ownership of real property.

**DEFAULT STANDARDS, DEFAULT ZONES**

The underlying zone of a Planned Development (PD) Zone District. The default zone shall be established with any PD zone. The standards for the default zone shall be used unless deviations were specifically approved within the PD zoning ordinance.

**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 semiarid climate. (See xeriscape.)

**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**

Development includes all property adjacent or abutting, whether or not to be then planned or developed, owned by the same owner. Includes any of the following: the division of a parcel of land into two or more parcels; the construction, reconstruction, conversion, structural alteration, relocation or enlargement of any structure; any mining, drilling, excavation, clearing of roadways or building sites, landfill or land disturbance and any use or extension of the use of land, the placement of a use on any property, or any planned development. Development does not include movement of earth associated with crops and/or farming or landscaping.

**DEVELOPMENT APPLICATION**

Any request for approval, permission or other action made pursuant to the provisions of this Code.

**DEVELOPMENT SCHEDULE/PHASING SCHEDULE**

Regulating the rate and geographic sequence of development so as to ensure that each phase can stand on its own in terms of circulation, utilities, and so on, in the event subsequent phases are delayed or cancelled.

**DIA**

Development Improvements Agreement

**DIRECTOR**

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

**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.

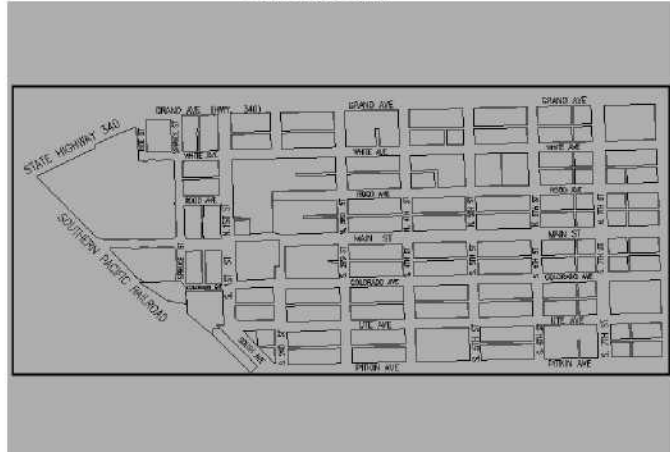
**DISTRICT**

Same as Zone.

**DOWNTOWN AREA**

The area within the City which is within the Downtown Development Authority zoned B-2 and which is bounded by: the north right-of-way line of Grand Avenue; the north-east right-of-way line of the Union Pacific Railroad; the east right-of-way line of 8th Street; and the south right-of-way line of Pitkin Avenue. (see Exhibit 9.4)

**Exhibit 9.4**



**DRIVE-IN**

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

**DRIVEWAY**

A private roadway providing access to a street or highway, excluding the sidewalk when parking vehicles in the driveway.

**DUPLEX**

A building under one ownership containing two single-family dwelling units totally separated from each other by an unpierced wall extending from ground to roof.

**DWELLING, MULTIFAMILY**

A building or portion thereof used for occupancy by three or more families living independently of each other and containing three or more dwelling units.

**DWELLING, SINGLE-FAMILY, ATTACHED**

A single family dwelling unit located on a lot and connected by one common wall to one other single family dwelling unit located on a separate lot.

**DWELLING, SINGLE-FAMILY, DETACHED**

A residential building containing not more than one dwelling unit entirely surrounded by open space on the same lot.

**DWELLING, ZERO LOT LINE**

The location of a building on a lot in such a manner that one or more of the building's sides rests directly on a lot line.

**DWELLING UNIT**

One or more rooms designed, occupied, or intended for occupancy as a separate living quarter, with cooking, sleeping and sanitary facilities provided within the dwelling unit for the exclusive use of a single-family maintaining a household.

**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**

Dwellings for long-term accommodation of persons who for any reason require on-going medical supervision or assistance with normal daily functions of living.

**ELDERLY OR DISABLED PERSONS HOUSING, INDEPENDENT**

Dwellings for long-term accommodation of elderly or disabled persons who do not require regular medical supervision or assistance with normal daily functions of living.

**ELDERLY OR DISABLED PERSONS HOUSING, SEMI-INDEPENDENT**

Dwellings for long-term accommodation of elderly or disabled persons who require periodic, but not daily supervision or assistance with normal daily functions of living.

**EMINENT DOMAIN**

The authority to acquire or take, or to authorize the taking of private property for the public use or public purpose.

**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.

**EVERGREEN**

A plant with foliage that remains green year-round.

**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.

**EXACTION**

Contributions or payments required as an authorized recondition for receiving a development permit.

**EXISTING MANUFACTURED HOME PARK OR SUBDIVISION**

A manufactured home park for which the construction of facilities serving the lots on which the manufactured homes are to be affixed are completed before the effective date of Section 4.9 of this Code.

**EXPANSION OF EXISTING MANUFACTURED HOME PARK OR SUBDIVISION**

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).

**EXOTIC ANIMALS**

Those animals not defined as household pets or agricultural animals.

**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.A.R.**

See "Floor Area Ratio."

**F.I.A.**

Flood Insurance Administration

**FACADE**

The exterior walls of a building exposed to public view or that wall viewed by persons not within the building.

**FAMILY**

Any number of related persons living together within a single dwelling unit as a single housekeeping unit, but not more than four persons who are unrelated by blood, marriage, guardianship or adoption.

**FAMILY FOSTER HOME**

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

**FARM AND RANCH STRUCTURES AND USES**

Those structures and uses devoted to the shelter and 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. *(Note: 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.)*

**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

**FENCE**

An artificially constructed barrier of any material or combination of materials, including walls but not retaining walls, erected to enclose, screen, or separate areas. ("Material" does not include vegetation.)

**FENESTRATION**

The arrangement of windows and other exterior openings on a building.

**FINAL PLAT**

A survey map of record which indicates the boundaries for streets, blocks, lots and other property divisions which is prepared pursuant to Section 2.8.C of the 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. Flea markets do not include any of the following activities which occur at the same location four or fewer days in any calendar year: garage sales, produce stands, garage sales or fund raising activities done by a nonprofit organization.

## **FLOOD or FLOODING**

A general and temporary condition of partial or complete inundation of normally dry land areas from:

1. The overflow of inland waters and/or,
  2. The unusual and rapid accumulation or runoff of surface waters from any source.
- (see Exhibit 9.5)



## **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. (see Exhibit 9.5)

## **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.

## **FLOOD INSURANCE STUDY**

The official report provided by the Federal Emergency Management Agency that includes profiles, the Flood Boundary-Floodway Map, and the water surface elevation of the base 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. (see Exhibit 9.5)

## **FLOODPLAIN DEVELOPMENT**

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. (see Exhibit 9.5)

## **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. (see Exhibit 9.5)

## **FLOODPROOFING**

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

## **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. (see Exhibit 9.5)

## **FLOODWAY**

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. (see Exhibit 9.5)

## **FLOOR AREA RATIO (FAR)**

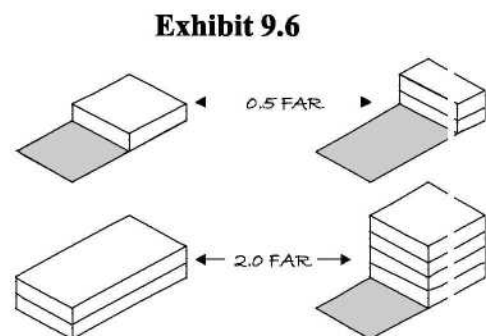
The ratio of the gross floor area of a structure to the gross area of the parcel on which it is located. (see Exhibit 9.6)

## **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.



**FULL CUTOFF LIGHT FIXTURE:**

A light fixture in which no more than 2.5 percent (two and one-half) of its total output is emitted above 90 degrees from the vertical pole or building wall on which it is mounted.

**GARAGE, PUBLIC**

A structure, or portion thereof, other than a private customer and employee garage or private residential garage, used primarily for the parking and storage of vehicles and available to the general public.

**GASOLINE SERVICE STATION**

Buildings and/or surfaced area where motor vehicles may be refueled and/or serviced.

**GEOLOGIC HAZARD AREA**

An area identified by a qualified State or Federal government agency as containing or being directly affected by a geologic hazard.

**GFA**

See "Gross Floor Area."

**GRADE**

The lowest point of elevation of the finished surface of the ground, paving or sidewalk within the area between the building and the property line or, when the property line is more than five feet from the building, the point between the building and a line five feet from the building.

**GRADE, FINISHED**

The level of the soil after completion of site development.

**GRADE, NATURAL**

The 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.).

**GRAND VALLEY CIRCULATION PLAN (formerly known as Major Street Plan)**

A plan or plans showing the location of right-of-way which will be developed and for which development and uses must accommodate. Plans for areas smaller than the entire City are still "Grand Valley Circulation Plans or Major Street Plans." The City relies on the authority in Title 31 C.R.S. in addition to its other powers and authority.

**GRANNY FLAT, ELDER COTTAGE AND ACCESSORY APARTMENT**

A separate, self-contained, living unit placed on the same parcel as and adjacent to the existing primary residence as a dwelling unit for a relative who is either over the age of 60 years or has a disability requiring an assisted, but independent, living arrangement. This definition also shall include an accessory apartment that is built onto or into an existing

single-family dwelling unit for the same purpose. Such units are small, complete living units which have a living area, kitchen, bathroom and separate entrance.

**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 ACREAGE**

The area of a proposed development, including proposed dedications of easements, rights-of-way or other property rights, but excluding existing rights-of-way dedicated prior to January 1, 1995.

**GROSS FLOOR AREA (GFA)**

The sum of the areas of all floor levels of a building or structure measured within the exterior face of exterior walls or the centerline of walls separating two abutting buildings, but excluding any space where floor-to-ceiling height is less than six feet and six inches.

**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, as measured from exterior walls or the centerline of walls separating two abutting buildings, but excluding any space where floor-to-ceiling height is less than six feet and six inches.

**GROUND COVER**

Grass or other plants and landscaping grown to keep soil from being blown or washed away.

**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 LIVING, LARGE**

A group living facility shared by or the residence of more than eight but fewer than twelve unrelated persons, exclusive of staff.

**GROUP LIVING, SMALL**

A group living facility shared by or the residence more than four, but fewer than and including eight unrelated persons, exclusive of staff.

**GROUP LIVING, UNLIMITED**

A group living facility shared by or the residence of 12 or more unrelated persons, exclusive of staff.

**GROUP RESIDENCE**

Dormitory, sorority, fraternity, and/or lodging where three or more individual rooms are occupied by residents who stay for periods of at least thirty (30) days .

**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 or federal government as a geological hazard area but where historical evidence, climatological data, surface or subsurface geological, topographical, vegetative, or other on-site naturally-occurring factors indicate a relatively greater risk of property damage than exists on other parcels in the City.

**HAZARDOUS SUBSTANCE**

Any material that, by reason of its toxic, corrosive, caustic, abrasive or otherwise injurious properties, may be detrimental or deleterious to the health of any person handling or otherwise coming into contact with such material or substance.

**HEAD WATER**

The source of a stream or river.

**HEALTH CLUB**

An establishment that provides facilities for exercise activities, such as running, jogging, aerobics, weight lifting, court sports and swimming, as well as locker rooms, showers, massage rooms, saunas and related accessory uses.

**HEALTH DEPARTMENT**

The Mesa County Health Department.

**HEAVY EQUIPMENT**

Large equipment including, but not limited to: trucks with greater than a one and one-half ton rating, cranes, crawler-type tractors, earth movers, dump trucks and other equipment of equal or greater size and weight.

**HEDGE VEGETATION**

A plant from the list approved by the City Forester which will grow, with regular trimming, to a height of 4-6 feet maximum. At planting, the hedge shall be at least one (1) foot high.

**HEIGHT OF STRUCTURE**

The vertical distance from the grade to the highest point of any portion of a structure. See Exhibit 3.2.

**HELIPAD**

A facility without the logistical support provided by a Heliport (See Heliport.) where helicopters take off and land. Helipads do not include facilities for maintenance, repair, fueling or storage of helicopters.

**HELIPORT**

An area providing an area for the take-off and landing of helicopters and fuel facilities (whether fixed or mobile) or appurtenant areas for parking, maintenance, and repair of helicopters.

**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.

**HILLSIDE DISTURBANCE**

Includes any and all areas of the building site disturbed during construction by grading or excavation and temporary or permanent construction for all buildings, parking areas, driveways, roads, sidewalks, and other areas of concrete, asphalt, or other construction materials.

**HOMELESS SHELTER**

A structure or portion thereof in which sleeping accommodations are provided for the homeless for less than six months. A homeless shelter shall be classified as "lodging".

**HOME OCCUPATION**

A business activity conducted as an accessory use to a dwelling unit. See Table 4.1.

**HOMEOWNERS ASSOCIATION**

A formally constituted nonprofit association made up of the property owners and/or residents of a fixed area, which association is formed for the purpose of assuming permanent responsibility for costs and upkeep of common areas, open space and similar shared facilities.

**HOSPITAL**

Any building used for overnight accommodation and medical care of human patients including sanitariums, but excluding clinics, long-term care facilities and convalescent homes.

**HOUSEHOLD**

A family living together in a single dwelling unit, with common access to and common use of all living and eating areas and all areas and facilities for the preparation and serving of food within the dwelling unit.

**HOUSEHOLD PETS**

Those animals which are commonly kept as pets: dogs, cats, fish, small birds (*e.g.* parakeets, parrots), rodents (*e.g.* mice, rats), and reptiles (nonpoisonous snakes, lizards).

**IMPACT FEE**

A fee imposed on a development to help finance the cost of improvements or services.

**IMPERVIOUS SURFACE**

Any material that prevents absorption of stormwater into the ground.

**IMPOUND LOT**

A lot for the storage of vehicles which have been towed or otherwise moved to the lot by a towing carrier permitted to operate pursuant to 40-13-101 *et seq.* C.R.S., in which lot no vehicle dismantling or repair work occurs.

**IMPROVEMENTS**

Right-of-way pavements, curbs, gutters, sidewalks, paths, trails, bikeways, sedimentation control facilities, revegetation, landscaping, water mains, sanitary and storm sewers, drainageways, 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.

**INFILL DEVELOPMENT**

The development of new housing or other buildings on scattered sites in a built-up area.

**INFRASTRUCTURE**

Facilities and services needed to sustain industry, residential, commercial and all other land use activities.

**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. Or, in the case of salvage or junkyards, shelving or other storage units, not to exceed twenty (20) feet in height, which are used to store and display salvage items.

**INTENSITY**

The number of dwelling units per acre for residential development and floor area ratio (FAR) for nonresidential development, such as commercial, office, and industrial. *(Note: FAR may also be used for residential Development or for mixed-use Development. In residential projects, FAR may be useful in relating the size of the Building to the lot area.)*

**IRRIGATION OR IRRIGATED**

Use of water, whether or not potable, to sustain or grow landscaping or flora.

**JUNK**

Ferrous or nonferrous metals, wood or wood products, appliances not used for their intended purposes, rubber or plastic products, dismantled or inoperable machinery, equipment, tools, junk vehicles, trash or similar materials. The term "Junk" excludes outside storage permitted as an accessory use under the provisions of Section 4.1.

**JUNK VEHICLE**

Any motor vehicle, trailer, or semitrailer, 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 semitrailer 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 60 days. *(Note: 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**

Any yard, lot, land, parcel, building or structure, or part thereof, used for storage, collection, processing, purchase, sale, salvage or disposal of used or scrap materials, equipment, vehicles or appliances. Junkyards include, but are not limited to wrecking yards, salvage yards and automobile impoundment areas where stored vehicles are inoperative or unlicensed. Junkyards do not include storage of vehicles used for agricultural purposes on a property used for agricultural purposes, or facilities qualifying as motor vehicle repair shops.

**JURISDICTION**

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

**LAND USE**

List of uses within categories enumerated in this Code for various uses of land in the City.

**LAND RECLAMATION**

Increasing land use capability by changing the land's character or environment through drainage and/or fill.

**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.

**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.

**Ldn CONTOUR**

See Section 7.3, Airport Environs Zoning District.

**LEASE HOLDING**

A contractual agreement for the use of lands, structures, buildings or parts thereof for a fixed time and consideration.

**LIGHTING**

An artificial supply of light or the apparatus providing it.

**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 that is defined on a subdivision plat of record, which is intended to be occupied by a principal building(s) or building(s) and open space. Streets are not included in this definition. (see Exhibit 9.7)

**LOT AREA**

The area of the lot shall be the horizontal area of the lot and shall not include portions of streets and alleys.

**LOT, CORNER**

A lot abutting upon two or more intersecting Streets. A corner lot shall be deemed to front on that street on which it has its least dimension. (see Exhibit 9.7)

**LOT COVERAGE**

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

**LOT DEPTH**

The horizontal distance from the front property line to the rear property line. If front and rear property lines are not parallel, the lot depth is the shortest distance between the front and rear property lines.

**LOT, DOUBLE FRONTAGE (THROUGH LOT).**

An interior lot having frontage on two nonintersecting streets.

**LOT, FLAG**

A lot having no frontage or access to a street or place except by a narrow strip of land.

**LOT FRONTAGE**

The distance for which a lot abuts on a street.

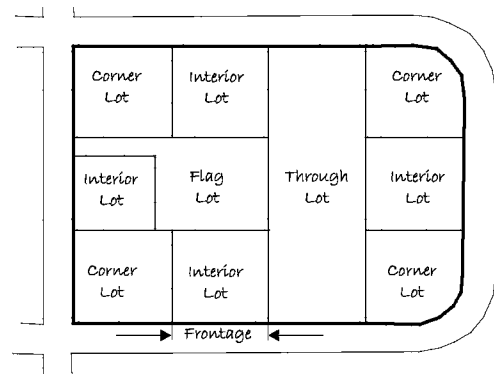
**LOT, INTERIOR**

A lot whose side lines do not abut on any street.

**LOT LINE**

A line of record bounding a lot which divides one lot from another lot or from a public or private street or any other public space.

**Exhibit 9.7**



**LOT WIDTH**

The horizontal distance between side property lines measured parallel to the street, said property lines or to the tangent of a curved street property line. If side property lines are not parallel, the lot width is the shortest distance between the side property lines.

**LOW TRAFFIC STORAGE YARD**

An enclosed outdoor storage area generating less than 30 average daily trips (ADT).

**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 does not include the dismantling of Motor Vehicle parts and equipment.

**MAINTAIN**

To use, to keep in existence. To continue upkeep is not required to meet the definition of "maintain."

**MAJOR SHOPPING CENTER**

A group of retail and service establishments which are planned and managed as a total entity, and which includes more than 250,000 square feet of gross leasable floor area.

**MAJOR SUBDIVISION**

A Subdivision consisting of two (2) or more proposed new lots.

**MANUFACTURED HOME**

Factory built, single-family structures that meet the National Manufactured Home Construction and Safety Standards Act (42 U.S.C. Sec. 5401 *et seq.*), commonly known as the HUD (U.S. Department of Housing and Urban Development) code.

**MANUFACTURED HOME PARK**

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

**MANUFACTURED HOME SUBDIVISION**

A parcel or contiguous parcels of land subdivided into two or more lots configured for development of manufactured housing.

**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.

**MASTER PLAN**

A long range plan for major institutional and civic facilities that considers community benefits and impacts.

**MASTER STREET PLAN**

The plan or components of the plan adopted by the City of Grand Junction showing the existing and future layout and classifications of streets within the City.

**MEDICAL TREATMENT**

Health care facilities as well as establishments providing support to the medical profession and patients, such as medical and dental laboratories, blood banks, oxygen, and miscellaneous types of medical supplies and services.

**MEMBERSHIP CLUB**

An organization with established formal membership requirements, bylaws and objectives, but not including groups organized primarily to provide profit for the club or any of its members.

**MINI WAREHOUSE**

A structure containing separate, individual, and private storage spaces of varying sizes, leased or rented on individual leases for varying periods of time.

**MINOR ARTERIAL**

Streets, as identified in the Master Street Plan which have a relatively high overall travel speed, with minimal interference and which interconnect with the principal arterial system.

**MITIGATION**

Methods used to alleviate or lessen the impact of development.

**MOBILE HOME**

A single-family dwelling, factory built and factory-assembled residence which does not comply with the National Manufactured Homes Construction Safety and Standards Act. (42 U.S.C. Sec. 5401 *et seq.*, 1978 as amended).

**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 42-1-102, 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.

**MUDFLOW**

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

**MULCH**

Wood chips, bark, rock or other accepted material placed around plants to assist in moisture retention and weed prevention.

**MULTIFAMILY DWELLING**

A structure arranged, designed, and intended to be the residence of more than one family, with each family having independent cooking and bathing facilities.

**MUNICIPALITY**

An incorporated city or town.

**NATURAL HAZARD**

A geologic, floodplain, or wildfire hazard as identified by a State or federal agency.

**NATURAL RESOURCE**

Existing natural elements relating to land, water, air, plant and animal life, including, but not limited to soils, geology, topography, surface and subsurface waters, wetlands, vegetation and animal habitats.

**NEIGHBORHOOD**

An area of a community with characteristics that distinguish it from other areas and that may include distinct ethnic or economic characteristics, housing types, schools, or boundaries defined by physical barriers, such as major highways and railroads or natural features, such as rivers. *(Note: Historically, the Neighborhood was defined as the area served by an elementary school, with shopping and recreation facilities to serve Neighborhood residents. While the description is probably dated, the Neighborhood designation is useful in analyzing the adequacy of facilities and services and in identifying factors affecting the quality of the built environment. In addition, as a distinct and identifiable area, often with its own name, Neighborhoods are recognized as fostering community spirit and a sense of place, factors recognized as important in community planning.)* Or: That area with definite boundaries as determined by the Director on a case-by-case basis to meet the intent and purpose of the Code.

**NEIGHBORHOOD ASSOCIATION**

Any group that has been recognized by the Community Development Department or has registered with the Community Development Department the boundaries of a particular area with which it is related and which the association represents.

**NEIGHBORING**

Any first or second lot in either direction along the same side of the street from the subject lot, or any lot that fronts directly across from the subject lot or first or second lot adjacent thereto.

**NET FLOOR AREA**

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

**NEW CONSTRUCTION**

For purposes of Section 7.1, structures for which the "start of construction" commenced on or after the effective date of the ordinance enacting Section 7.1, and includes any subsequent improvements to such structures.

**NEW MANUFACTURED HOME PARK OR SUBDIVISION**

A 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 the ordinance enacting Section 7.1, Flood Damage Prevention Regulations.

**NIGHT CLUB**

A commercial establishment dispensing alcoholic beverages for consumption on the premises and in which music, dancing or live entertainment is conducted. An establishment that serves both food and alcoholic beverages shall be categorized as a bar/nightclub if the sale of said beverages comprises more than twenty-five (25) percent of the gross receipts.

**NODE**

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

**NONCONFORMING**

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.

**NONCONFORMING STRUCTURE OR BUILDING**

A structure or building, the size, dimensions, or location of which was lawful prior to the adoption, revision, or amendment to the zoning ordinance but that fails by reason of such adoption, revision, or amendment to conform to the present requirements of the zoning district.

**NONCONFORMING USE**

A use or activity that was lawful prior to the adoption, revision or amendment of the zoning ordinance but that fails by reason of such adoption, revision, or amendment to conform to the present requirements of the zoning District.

**NON-PROFIT**

Organizations having 501(c)(3) filing status with the Internal Revenue Service.

**NOTICE**

The method of informing persons of requests, hearings, actions taken and similar actions. The form and specifics of notice will vary depending on the application, step and other factors.

**NURSERY**

A place where plants are raised, acquired, and maintained for transplanting or sale.

**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 Director 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, for compensation, continuous day and night facilities providing room and board, personal services, and medical care 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 drainageway, 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-SITE IMPROVEMENT**

Improvements required to be made off-site as a result of an application for development and including, but not limited to, road widening and upgrading, stormwater facilities and traffic improvements.

**OFF-SITE PARKING**

Parking provided for a specific use, but located on a site other than the one on which the specific use is located.

**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 change of occurring in any given year.

**OPEN MINING**

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

**OPEN SPACE**

Any property or portion without any structure or impervious surface and not designated and used for a specific purpose.

**OPEN SPACE, COMMON**

Open space within a development that is owned in common by a Homeowners Association and which is designed and intended for the common use or enjoyment of the residents or occupants of the development. Common open space does not include areas used for streets, alleys, driveways or off-street parking or loading areas. However, the area of recreational activities such as swimming pools, tennis courts and other recreation facilities may be counted as common open space.

**OPEN SPACE FEE**

A fee paid by the developer of a new residential development to the City for the purpose of acquisition and development of open space.

**OTHER ANIMALS**

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

**OUTDOOR CULTURAL EVENTS**

Entertainment, educational and cultural events generally involving the outdoor assembly of 50 or more people.

**OUTDOOR STORAGE**

The keeping, in an unenclosed area, unscreened, of any goods, junk, material, merchandise, vehicles and vehicles for repair, in the same place for more than 48 hours. See Section 4.1.I.

**OUTLINE DEVELOPMENT PLAN (ODP)**

An ODP is valid only if registered by the developer. For ODP's which were approved before the effective date of this Code, the owner must register and obtain the Director's finding of validity on or before January 1, 2005 in order to be valid. No ODP approved by an entity is valid if approved before January 1, 1990.

**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.

**OVERFLOW PARKING**

Any off-street, ground level open area, used for the temporary storage of excess motor vehicles.

**OVERLAY DISTRICT**

A zoning district which has been superimposed over basic districts to address development constraints which require special attention and treatment and to alert developers to issues they need to address in preparing an application to development.

**OWNER**

An individual, firm, association, syndicate, partnership, or corporation having sufficient proprietary interest to seek development of land.

**PARCEL**

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

**PARK IMPACT FEE**

A fee paid by the developer of a new residential development to the City for the purpose of acquisition and development of park facilities.

**PARKING GARAGE**

An attached or detached building which is intended for the storage of motor vehicles and is available for use by the general public for free or for a fee.

**PARKWAY STRIP**

The undeveloped portion of right-of-way between the back of curb and the detached sidewalk.

**PEDESTRIAN RIGHT-OF-WAY**

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

**PERSIGO AGREEMENT**

Agreement between the City of Grand Junction and Mesa County, signed on October 13, 1998, setting forth the agreed upon boundaries of the 201 Sewer District and how development and annexation shall occur within those boundaries.

**PERSON**

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

**PERVIOUS SURFACE**

Any material that permits full or partial absorption of stormwater into previously unimproved land.

**PETITIONER**

An applicant.

**PHARMACY**

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

**PHASING**

Development undertaken in a logical time and geographical sequence.

**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 CLEARANCE**

A permit that allows development to proceed, a use to be made or maintained or improvements, including structures to be built.

**PLANNING COMMISSION**

The City of Grand Junction Planning Commission. Also referred to as Commission.

**PLAT**

A map approved by the City which creates lots or tracts and is recorded, surveyed and legally described land, having appropriate dedication and/or restrictions, which is an instrument for recording of real estate interests with the Mesa County Clerk and Recorder's office.

**PLAT, FINAL**

A map of all or a portion of a subdivision or site plan that is presented to the approving authority for final approval.

**PLAT, PRELIMINARY**

A map indicating the proposed layout of the subdivision or site plan that is submitted to the approving authority for preliminary approval.

**PORTABLE SIGN**

See SIGN, PORTABLE.

**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**

Streets, as identified in the Master Street Plan which provide a network of continuous routes serving intra- and inter-state travel as well as inter- and intra-urban travel.

**PRINCIPAL STRUCTURE**

The structure in which the principal use of a property is conducted. This shall include any buildings which are attached to the principal structure by a covered structure.

**PRINCIPAL USE**

The main or primary Use of a parcel of land.

**PRIVATE**

Anything not owned or operated by the federal government, state government, or any political subdivision.

**PRODUCE STAND**

A temporary 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. (See also Farmers Market.)

**PROFESSIONAL OFFICE**

An office of a member of a recognized profession maintained for the conduct of that profession and not including storage or sale of merchandise as a primary use.

**PROJECTION**

The distance by which a sign extends over public property.

**PROPERTY**

A lot, parcel, tract or other real estate. Separate parcels, lots, tracts and/or other real estate which are under the same ownership and which adjoin or abut are, for the purposes of this Code, treated as one lot, parcel or tract or other real estate, even if classified as different tax parcels and even if separated by a right of way, watercourse or similar barrier.

**PUBLIC**

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

**PUBLIC BUILDING**

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

1. School: Any public or private educational facility including child daycare 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: Any structure or building for public worship.
3. Park: Any public property kept, used and maintained for recreational, ornamental or aesthetic purposes.
4. Playground: 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.

**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 as required by state or local law. (See Section 2.3.A)

**PUBLIC RIGHT-OF-WAY**

Any street, road, highway, alley, 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 TRAIL**

Any pathway designed for public recreation.

**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.

**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 filed with and indexed by the Mesa County Clerk and Recorder.

**RECREATION, ACTIVE**

Leisure-time activities, usually of a formal nature and often performed with other, requiring equipment and taking place a prescribed places, sites or fields.

**RECREATION, PASSIVE**

Activities that involve relatively inactive or less energetic activities, such as walking, sitting, picnicking, card games, chess, checkers and similar table games.

**RECREATIONAL VEHICLE**

All vehicles, with or without motive power, designed, converted or used to provide temporary living quarters that include four or more of the following permanently installed facilities: cooking, refrigeration or ice box, self-contained toilet, heating and/or air conditioning, potable water supply system including faucet and sink, separate 110-125 volt electrical power supply and/or LP gas supply. Recreational vehicles shall also include the following: all watercraft subject to registration by the State of Colorado, all motorcycles, mini bikes, all-terrain vehicles (ATV's), go-carts and similar vehicles with motive power that are prohibited from operating on a public street by the State of Colorado. All other vehicles and crafts designed to carry one or more adults used primarily for recreational purposes that are prohibited from operating on a public Street

by the State of Colorado, all trailers designed or used to carry any recreational vehicle described herein.

For the purposes of this Code, an empty trailer or a recreational vehicle not on a trailer shall each be counted as one recreational vehicle. However, a trailer carrying one or more recreational vehicles shall together be counted as one recreational vehicle.

**RECREATIONAL VEHICLE PARK**

Any lot or parcel developed to provide spaces and facilities for the temporary residential use of two or more recreational vehicles.

**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.

**RECYCLING CENTER / FACILITY**

A structure or facility in which used material is separated and processed prior to shipment to others who will use those materials to manufacture new products.

**RECYCLING COLLECTION POINT**

An incidental use that serves as a neighborhood drop-off point for temporary storage of recoverable resources. No processing of such items would be allowed. This facility would generally be located on a shopping center parking lot or in other public/quasi-public areas, such as churches and schools.

**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 which are generally found or used in and around the home including, but not limited to, furniture, appliances and small equipment, but not including heavy equipment.

**RENTAL, HEAVY EQUIPMENT**

The use of any building, land area or other premises for the rental of heavy equipment, large trucks, trailers, or other similar items.

**REQUEST**

A writing seeking a planning clearance. This is the same as an application.

**REQUIRED PUBLIC FACILITIES**

Any improvement, facility, or service together with its associated site or right-of-way necessary to provide transportation, drainage, utilities, or similar essential services and facilities and that are usually owned and operated by a governmental agency.

**RESIDENCE**

A home, abode, or place where an individual is actually living at a specified point in time.

**RESIDENTIAL CARE FACILITIES**

A home for no more than eight developmentally disabled residents as defined by the State Department of Health.

**RESIDENTIAL DENSITY – MAXIMUM**

Maximum residential density means the number calculated by dividing the total number of dwelling units or residential lots, by the gross acreage expressed in square feet or acres of the development property. Gross land area includes all of the parcel or property at the time a development application is filed. The “gross residential density” is calculated the same as maximum residential density.

**RESIDENTIAL DENSITY – MINIMUM**

This calculation shall apply to the term “net minimum residential density” as used in this Code. Minimum residential density means the number calculated by dividing the total number of dwelling units or residential lots by the net developable land area of the development parcel. (See Chapter Three, Section 3.6)

**RESIDENTIAL GROUP HOMES**

A facility which is licensed by the State to provide supervised living quarters for no more than eight persons who are developmentally disabled or recovering from a medical condition, but not including persons who have been convicted and are under a court's supervision for any violent crime.

**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.

**RESIDENTIAL SUBUNIT**

A dwelling unit which is secondary to a principal dwelling unit in a single-family residential zone, located entirely within a principal structure.

**RESTAURANT**

An establishment serving food and beverages where all service takes place within an enclosed building or accessory outdoor eating areas.

**RESUBDIVISION**

The changing of an existing parcel created by a plat and recorded with the County Clerk and Recorder.

**RETAINING WALL**

A manmade barrier constructed for the purpose of stabilizing soil, retarding erosion, or terracing a parcel or site.

**REVISION**

A 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 approvals, may be that which was applied previously to the property or may be a new and/or different zoning or other land use status.

**REVOCABLE PERMIT**

A permit issued by the City Council, pursuant to Section 127 of the City Charter, allowing the construction in, or use of a public right-of-way and revocable after 30 days notice.

**RIDGE LINE**

The highest elevation of a mountain chain or line of hills; the intersection of two roof surfaces forming the highest horizontal line of the roof.

**RIGHT-OF-WAY**

A strip of land acquired by reservation, dedication, forced dedication, prescription, or condemnation and intended to be occupied by a road, crosswalk, railroad, electric transmission lines, oil or gas pipeline, water line, sanitary storm sewer, and other similar uses; generally, the right of one to pass over the property of another.

**ROADWAY**

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

**ROOF LINE**

The highest edge of the roof or the top of parapet, whichever establishes the top line of the structure when viewed in a horizontal plane.

**RUBBISH**

Rubbish includes but is not limited to food waste, ashes and other solid, semisolid and liquid waste, by-products and generally decomposable residue taken from residences, commercial establishments and institutions. Rubbish may also be known as/referred to as "garbage," "trash," or "waste" as those terms are used and/or defined in this Code or any other City Code, law rule or regulation(s).

**SATELLITE DISH**

An antenna, consisting of radiation element(s) that transmit or receive radiation signals, that is supported by a structure with or without a reflective component to the radiating dish, usually circular in shape with a parabolic curve design constructed of a solid or open mesh surface and intended for transmitting or receiving television, radio, microwave signals or other electromagnetic waves to or from earth satellites.

**SCREENING**

Shielding, concealing and effectively hiding from view of a person standing at ground level on an abutting site, or outside the area of the feature so screened by a wall, fence, hedge, berm or any combination of these methods, or any similar architectural or landscaped feature, such as a landscape perimeter strip or bufferyard. (See Landscape.)

**SECURE FACILITIES**

As defined by Colorado Revised Statutes, Section 19-1-103, as amended.

**SECURED/SECURITY**

Cash, letter or credit or other readily available source of money, pursuant to Chapter 2.

**SEISMIC EFFECTS**

Direct and indirect effects caused by an earthquake or man-made phenomena.

**SERVICE CLUB**

A group of people organized for a common purpose to pursue common goals, interests, or activities, are not commercial in nature, and usually characterized by certain membership qualifications, payment of fees and dues, regular meetings, and a constitution and bylaws.

**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, especially in conjunction with retail and wholesale outlets.

**SETBACK**

The minimum distance between a structure and a property line of a parcel of land or other established reference point.

**SHRUB**

A woody plant, smaller than a tree, consisting of several small stems from the ground or small branches near the ground; may be deciduous or evergreen.

**SIGHT DISTANCE TRIANGLE**

A triangular-shaped portion of land established at street intersections in which nothing is erected, placed, planted, or allowed to grow in such a manner as to limit or obstruct the sight distance of motorist entering or leaving the intersection.

**SIGN**

Any device, fixture, placard, structure or part thereof that uses any color, form, graphic, illumination, symbol, or writing to advertise, announce or identify the purpose of, a person or entity, or to communicate information of any kind to the public. (see Exhibit 9.8)

**SIGN, BILLBOARD (or OFF-PREMISE)**

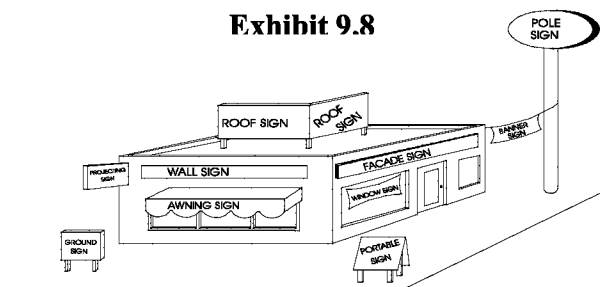
A sign that directs attention to a business, commodity, service or entertainment conducted, sold, or offered at a location other than the premises on which the sign is located.

**SIGNS, FLUSH WALL**

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 12 inches from the building face. (see Exhibit 9.8)

**SIGN, FREESTANDING**

A sign structure which is supported by one or more columns, uprights, poles or braces extended from the ground or which is erected on the ground. (see Exhibit 9.8)



**SIGN, IDENTIFICATION**

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

**SIGN, ILLEGAL**

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

**SIGN, INSTITUTIONAL**

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

**SIGN, INTEGRAL**

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.

**SIGN, PERMANENT**

A sign which is securely attached to the ground or a structure so that it cannot readily be moved.

**SIGN, PORTABLE**

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 shall be considered a portable sign. (see Exhibit 9.8)

**SIGN, PROJECTING**

A sign attached to a structure wall and extending outward from the wall more than 12 inches. (see Exhibit 9.8)

**SIGN, ROOF TOP**

A sign that is mounted on the roof of a building or that is wholly dependent upon a building for support and that projects above the top walk or edge of a building with a flat roof, the eave line of a building with a gambrel, gable or hip roof, or the deck line of a building with a mansard roof. (see Exhibit 9.8)

**SIGN, WIND-DRIVEN**

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

**SIGN WITHOUT BACKING**

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

**SIGNIFICANT LANDSCAPE FEATURE**

Any outstanding natural element; including, but not limited to vegetation, rock outcrops, and prominent landforms.

**SINGLE-FAMILY RESIDENCE**

A structure containing cooking and bathing facilities that is arranged, designed, and intended to be the residence of one family. (See Family.)

**SITE PLAN**

The development plan for one or more lots on which is shown the existing and proposed conditions of the lot, including topography, vegetation, drainage, floodplains, wetlands and waterways; landscaping and open spaces, walkways, means of ingress and egress, circulation, utility services, structures and buildings, signs and lighting, berms, buffers, and screening devices, surrounding development, and any other information that reasonably may be required in order that an informed decision can be made by the approval authority.

**SSID**

Submittal Standards for Improvements and Development as adopted by the City of Grand Junction.

**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.

**STEALTH, or CONCEALED**

Any tower or telecommunications facility which is designed to enhance compatibility with adjacent land, buildings, structure and uses, including, but not limited to, architecturally screened roof-mounted antennas, antennas integrated into architectural elements and towers designed to not look like a tower such as light poles, power poles and trees. The term stealth does not necessarily exclude the use of uncamoouflaged lattice, guyed or monopole tower designs.

**STORAGE**

Primarily for vehicles when in transit or being worked on.

**STREET**

Any public or private roadway, but not an alley.

**STREETSCAPE**

The landscaping and other man-made objects located within the public right-of-way which add variety and are placed for aesthetic purposes as well as functional, pedestrian guidance and traffic control.

**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, transmission or distribution facilities of public utilities, freestanding mailboxes, on-grade slabs, walks, driveways, landscaping materials or Fences. (See also Building.)

**SUBCOMMUNITY**

A node.

**SUBDIVISION**

The division of land into two or more parcels, separate interests, or interests in common, unless exempted of this Code. (See also "Major Subdivision") Unless the method of disposition is adopted for the purpose of evading any provision or purpose of 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 Attorney has received sufficient 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 any partition 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.

**SUBSTANTIAL DAMAGE**

Damage to a structure from one event not due to the knowing act of the owner such that the cost to restore the damage is 50% or more of the fair market value of the structure before the damage occurred.

**SUBSTANTIAL IMPROVEMENT**

Any reconstruction, rehabilitation, addition, or other improvement of a structure, which costs 50% of the market value of the structure before the "start of construction" of the improvement. "Substantial Improvement" includes structures which have incurred "substantial damage," regardless of the actual repair work performed. The term does not include either:

1. Any improvement of a structure to correct existing violations of any code which the local code enforcement official determines and are necessary to make the structure safe or habitable; or
2. Any alteration of a "historic structure," if the alteration shall not preclude the structure's continued designation as a "historic structure."

**SURVEYOR**

A land surveyor registered by the State of Colorado.

**SWMM**

Stormwater Management Manual as adopted by the City.

**TEDS**

Transportation and Engineering Design Standards as adopted by the City.

**TELECOMMUNICATION FACILITIES**

Cables, wires, lines, wave guides, antennas, other equipment and facilities and any other equipment or facilities associated with the transmission or reception of electromagnetic waves and/or communications which are located or as a part of a tower or antenna support structure.

**TEMPORARY, USE OR STRUCTURE**

Any use or structure placed on a parcel of land for a period of short duration, if permitted pursuant to Chapter Four, typically for three months or less.

**TIP-OUT OR SLIDE-OUT**

A recreational vehicle component which is within the main structure of the recreational vehicle while traveling and either tips or slides out when used as a living area. A tip-out or slide-out shall be structurally supported directly to the ground.

**TOWER**

A self-supporting latticed, guyed or monopole structure constructed from grade which supports telecommunications facility. The term tower shall not include amateur radio operators' equipment, as licensed by the FCC.

**TOWNHOUSE (or TOWNHOME)**

A one-family dwelling in a row of at least three such units in which each unit has its own front and rear access to the outside, no unit is located over another unit and each unit is separated from any other unit by one or more vertical common fire-resistant walls.

**TRAFFIC**

As calculated by the Director, according to National or other Director approved objective standards, such as the Institute of Traffic Engineers publications. If an applicant provides proof that actual traffic will be different, the Director may vary from the approved standards.

**TRANSIENT**

Housing or accommodations which are typically occupied by residents for periods of two weeks or less, including, but not limited to hotels, motels and travel lodges.

**TRANSIT OPERATOR**

The person or entity authorized to operate a transit system pursuant to either a revocable permit or a license; such person or entity may also be termed "permittee."

**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.

**TRAVEL TRAILER**

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

**TREE**

A woody perennial plant having a single, usually elongate main stem generally with few or no branches on its lower part.

**TREE, DECIDUOUS**

Plants that drop their foliage annually before becoming dormant.

**TREE, DECIDUOUS, LARGE**

Deciduous tree that has a 1-1/2" caliper at time of planting and at maturity has a spread of 25 feet or greater.

**TREE, DECIDUOUS, MEDIUM**

Deciduous tree that has a 1-1/2" caliper at time of planting and at maturity has a spread of between 15 and 25 feet.

**TREE, DECIDUOUS, SMALL**

Deciduous tree that has a 1-1/2" caliper at time of planting and at maturity has a spread not in excess of 15 feet.

**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 is 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 Director.

**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 100% irrigation water coverage is provided.

**UNOCCUPIED**

Dwelling where no individual resides or a public, commercial, or industrial building, where no storage or use of equipment, merchandise, or machinery is kept for a period of time.

**URBAN AREA**

The definite boundary inside which the only development will occur by annexing to the City. See 1998 Persigo City/County Agreement.

**USE**

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

**UTILITIES**

Any agency that provides essential or basic services and facilities such as electricity, gas, water (domestic and irrigation), sewage disposal, drainage systems, solid waste disposal, television, telecommunications, telephone, railway, etc.

**UTILITY STRUCTURES**

Electric transformers, switch boxes, telephone pedestals and telephone boxes, cable television boxes, traffic control boxes, and similar devices.

**VARIANCE**

A grant of relief from the requirements of this Code which permits construction in a manner that would otherwise be prohibited by this Code.

**VESTED RIGHT**

A right that cannot be changed or altered by changes in regulation.

**WALL**

1. The vertical exterior surface of a building;
2. Vertical interior surfaces that divide a building's space into rooms.

**WATERCOURSE**

Any natural or artificial stream, river, creek, ditch, channel, canal, conduit, culvert, drain, waterway, gully, ravine, or wash in which water flows in a definite direction or course, either continuously or intermittently and has a definite channel, bed, and bank and includes any area adjacent thereto subject to inundation by reason of overflow or floodwater.

## **WILDLIFE HABITAT RESOURCE AREA**

A geographical area identified by a State or federal agency that contains elements of food, water, cover, or space, alone or in combination, which are adequate to support a rare, threatened or endangered species for at least a portion of a year.

## **WORKING DAY**

Business day. Those days the Community Development Department is open to the public for business; holidays, Saturdays and Sundays are not working days.

## **XERISCAPE**

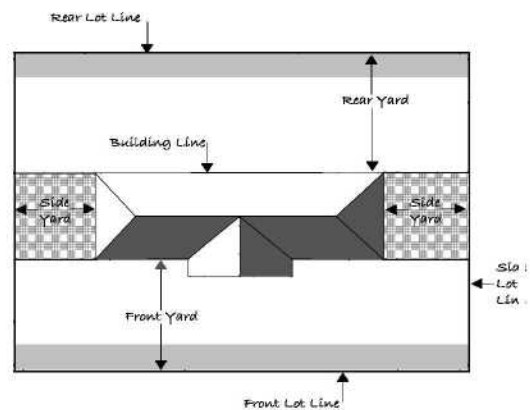
Landscape methods which conserve water through the use of drought-tolerant plants, planting and irrigation techniques.

## **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**

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.) (see Exhibit 9.9)



**Exhibit 9.9**

## **YARD, REAR**

A yard extending across the full width and depth of the lot between the rear lot line and the nearest line or point of the building. (see Exhibit 9.9)

## **YARD SETBACK**

The minimum horizontal distance between any building and the property line.

## **YARD, SIDE**

A yard extending from the front yard to the rear yard between the side lot line and the nearest line or point of the building. This side yard definition may apply for three sides of a flag lot if the flag pole portion of the lot exceeds the front yard setback. (see Exhibit 9.9)

## **YARD, SIDE SETBACK**

The minimum horizontal distance between any building and the side property line.

**ZERO LOT LINE**

The location of a building on a lot in such a manner that one or more of the building sides rests directly on a lot line.

**ZONE / ZONING DISTRICT**

A mapped area with a particular set of rules and regulations which limits the types of uses. See Table 3.5 and Chapter 3. "Zone" is the same as "District."

**Table 3.5 Use/Zone Matrix**

Use Category-Definition. See Chapter Nine for complete description.	Specific Use Type	URBAN RESIDENTIAL										NONRESIDENTIAL								Use-Specific Standard			
		RSF-R	RSF-E	RSF-1	RSF-2	RSF-4	RMF-5	RMF-8	RMF-12	RMF-16	RMF-24	R-O	B-1	B-2	C-1	C-2	I-O	I-1	I-2		CSR	M-U	
<b>RESIDENTIAL</b>																							
<b>Household Living</b> - residential occupancy of a dwelling units by a "household"	Business Residence											A	A	A	A	A	C	C		C	A	4.3.I	
	Rooming/Boarding House							C	C	A	A	C	A	C	C								
	Single-Family Attached <sup>3</sup>				A	A	A	A	A	A	A	A	C	C									
	Single-Family Detached	A	A	A	A	A	A	A	A	A	A	A	C	C						A		4.3.N	
	Duplex <sup>3</sup>					A	A	A	A	A	A	A	C	C									
	Multi-Family <sup>3</sup>							A	A	A	A	A	A	A	C						A	4.3.O	
	Residential Subunits/Accessory Units	A	A	A	A	A	A	A	A	A	A	A										4.1.G	
	Agricultural Labor Housing	A																			A		
	Town Home						A	A	A	A	A	A	C									A	
	Manufactured Housing Park						C	C	C	C	C	C	C		C							4.3.F	
All Other Housing Living						A	A	A	A	A	A	C	C	C							A		
<b>Home Occupation</b>	Home Occupation	A	A	A	A	A	A	A	A	A	A	A	A	A	A						A	4.1.H	
<b>Group Living</b> - residential occupancy of a structure by a group of people who do not meet the definition of "Household Living"	Small Group Living Facility	A	A	A	A	A	A	A	A	A	A	A	A	C	C	C				C		4.3.Q	
	Large Group Living Facility (includes secure facilities)						C	C	C	C	C	C	C	C	C	C					C	C	4.3.Q
	Unlimited Group Living Facility								C	C	C	C	C	C	C	C					C		4.3.Q
<b>INSTITUTIONAL &amp; CIVIC</b>																							
<b>Colleges and Vocational Schools</b> - colleges and institutions of higher learning	Colleges and Universities						C	C	C	C	C	C	C	A	A	A	C	C	C	A	A		
	Vocational, Technical & Trade Schools												C	A	A	A	A	C	C	A	A		
	All Other Educational Institutions												C	C	C	C	C	C	C	C	A		
<b>Community Service</b> - uses providing a local service to the community	Community Activity Building	A	A	A	A	A	A	A	A	A	A	A	A	A	A	C				A	A		
	All Other Community Service	C	C	C	C	C	C	C	C	C	C	C	A	A	A	C	C	C	C	A	C		
<b>Cultural</b> - establishments that document the social and religious structures and intellectual and artistic manifestations that characterize a society	Museum, Art Galleries, Opera Houses, Libraries	C	C	C	C	C	C	C	C	C	C	A	A	A	A	C	C	C	C	A	A		
<b>Day Care</b> - care, protection and supervision for children or adults on a regular basis away from their primary residence for less than 24 hours per day	Home-Based Day Care (1-12)	A	A	A	A	A	A	A	A	A	A	A	A	A	C	C				C	C		
	General Day Care	C	C	C	C	C	C	C	C	C	A	C	A	A	A	C	C			C	C		
<b>Detention Facilities</b> - facilities for the detention or incarceration of people	Jails, Honor Camps, Reformatories															C	C		C	C			

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	Community Corrections Facility																					
	Law Enforcement Rehabilitation Centers																					
<b>Hospital/Clinic</b> - uses providing medical treatment or surgical care to patients	Medical and Dental Clinics										C <sup>1</sup>	C <sup>1</sup>	A	A	A	A	A	C	A		A	
	Counseling Centers (nonresident)												A	A	A	A	A	C			A	
	Hospital/Mental Hospital												C	C	C	C	C	C			C	C
	Physical and Mental Rehabilitation (resident)												C	C	C	C	C	C			C	C
	All Other														C	C	C	C			C	
<b>Parks and Open Space</b> - natural areas consisting mostly of vegetative landscaping or outdoor recreation, community gardens, etc.	Cemetery	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	C	C	C	A	C	
	Golf Course	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	C	C	C	A	A	
	Campground, Primitive	C																		C		
	Golf Driving Ranges	C	C	C	C	C	C	C	C	C	C	C	C	A	A	A	C	A	A	C	C	
	Parks, Lakes, Reservoirs	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	C	C	C	A	A
	All Other	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	C	C	C	A	C	
<b>Religious Assembly</b> - meeting area for religious activities	All	A	A	A	A	A	A	A	A	A	A	A	A	A	A					A	A	4.3.P
<b>Funeral Homes/Mortuaries/Crematories</b>	All										C	C	C	C	A	A					C	
<b>Safety Services</b> - public safety and emergency response services	All	C	C	C	C	C	C	C	C	C	C	C	C	C	A	A	A	A	A	A	A	
<b>Schools</b> - schools at the primary, elementary, middle, junior high or high school level	Boarding Schools	C	C	C	C	C	C	C	C	A	A	C	C	C	C					C	C	
	Elementary Schools	A	A	A	A	A	A	A	A	A	A	A	A	A	A					A	C	
	Secondary Schools	A	A	A	A	A	A	A	A	A	A	A	A	A	A					A	C	
<b>Utility, Basic</b> - Infrastructure services that need to be located in or near the area where the service is provided	Utility Service Facilities (underground)	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	
	All Other Utility, Basic	C	C	C	C	C	C	C	C	C	C	A	A	A	A	A	A	A	A	A	C	
<b>Utility, Corridors</b> - passageways for bulk transmitting or transporting of electricity, gas, oil, communication signals, or other similar services	Transmission Lines (above ground)	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C			C	
	Transmission Lines (under ground)	C	C	C	C	C	C	C	C	C	C	C	C	C	C	A	A	A	A		C	
	Utility Treatment, Production or Service Facility																	C	C	C	C	
	All Other	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C		C	
<b>COMMERCIAL</b>																						
<b>Entertainment Event, Major</b> - activities and structures that draw large numbers of people to specific events or shows	Indoor Facilities	C													C	C	C	C			C	C
	Outdoor Facilities	C															C	C	C	C	C	
<b>Lodging</b> - hotels, motels and similar establishments	Hotels & Motels													A	A	A	C				C	
	Bed and Breakfast (1-3 guest rooms)	A	A	A	A	A	A	A	A	A	A	A	A	A	C	C	C				C	4.3.H

**Table 3.5 Use/Zone Matrix**

Use Category-Definition. See Chapter Nine for complete description.	Specific Use Type	URBAN RESIDENTIAL							NONRESIDENTIAL							Use-Specific Standard						
		RSF-R	RSF-E	RSF-1	RSF-2	RSF-4	RMF-5	RMF-8	RMF-12	RMF-16	RMF-24	R-O	B-1	B-2	C-1		C-2	I-O	I-1	I-2	CSR	M-U
	Bed and Breakfast (4-5 guest rooms)	C	C	C	C	C	C	A	A	A	A	A	C	C	C						C	4.3.H
<b>Office</b> - activities conducted in an office setting and generally focusing on business, government, professional, or financial services	General Offices										A	A	A	A	A	A	C			A	A	
	Office with Drive-Through											C	C	C	A	C	C			A	C	
<b>Parking, Commercial</b> - parking that is not necessary to serve a specific use and for which fees may be charged	All										C	C	A	A	A	A	A	A	A	A	C	
<b>Recreation and Entertainment, Outdoor</b> - large, generally commercial uses that provide continuous recreation or entertainment-oriented activities	Campgrounds and Camps (non-primitive)	C												A	A					C		4.3.E
	Resort Cabins and Lodges	C																		C		
	Swimming Pools, Community	C	C	C	C	C	C	A	A	A	A	A	A	A	A	C				A	A	
	Shooting Ranges, Outdoor																C	C		C		
	Amusement Park													C	C					C	C	
	Drive-In Theater													C	C					C		
	Miniature Golf													A	C					A	C	
	Riding Academy, Roping or Equestrian Area	C	C																	C		
	Zoo													C	C					C		
	All Other Outdoor Recreation	C												C	C		C	C		C	C	
<b>Recreation and Entertainment, Indoor</b> - large, generally commercial uses that provide indoor recreation or entertainment-oriented activities including health clubs, movie theaters, skating rinks, arcades	Health Club										C	C	A	A	A	A	C			A	A	
	Movie Theater											C	A	A	A	A	C			A	C	
	Skating Rink											C	A	A	A	A	C			A	C	
	Arcade											C	A	A	A	A	C			A	C	
	Shooting Ranges, Indoor													C	C		C	C		C		
	All Other Indoor Recreation											C	A	A	A	A	C			A	C	
<b>Retail Sales and Service</b> - firms involved in the sale, lease or rental of new or used products to the general public. They may also provide personal services or entertainment, or provide product repair or services for consumer & business goods	Adult Entertainment													A	A		A	A				4.3.B
	Alcohol Sales, retail											A	A	A	A	C	C			C		
	Bar/Nightclub											C	C	C	C	C	C			C		
	Animal Care/Boarding/Sales, Indoor	A											A	A	A	C	A	A				
	Animal Care/Boarding/Sales, Outdoor	C												C	C	C	C	A				
	Contractors and Trade Shops, Indoor operations and storage												C	A	A	C	A	A			A	
	Contractors and Trade Shops, Indoor operations and outdoor storage (including heavy vehicles)													C	A	C	A	A			C	
	Contractors and Trade Shops, Outdoor storage and operations																C	A	A			

**Table 3.5 Use/Zone Matrix**

Use Category-Definition. See Chapter Nine for complete description.	Specific Use Type	URBAN RESIDENTIAL										NONRESIDENTIAL							Use-Specific Standard		
		RSF-R	RSF-E	RSF-1	RSF-2	RSF-4	RMF-5	RMF-8	RMF-12	RMF-16	RMF-24	R-O	B-1	B-2	C-1	C-2	I-O	I-1		I-2	CSR
Retail Sales and Service	Delivery and Dispatch Services (vehicles on-site)													C	C	A	A	A	A		C
	Drive-through Uses (Restaurants Retail)													C	C	C		C			
	Food Service, Catering												A	A	A	A	A	A			A
	Food Service, Restaurant (including alcohol sales)												A	A	A	A	C	C		A	C
	Farm Implement/Equipment Sales/Service														A	A	C	A	A		
	Farmer's Market/Flea Market														A	A	A				C
	Feed Store														A	A		A	A		
	Fuel Sales, automotive/appliance												A	A	A	A	C	A	A		
	Fuel Sales, heavy vehicle															C	C	A	A		
	General Retail Sales, Indoor operations, display and storage												A	A	A	A	C	C			C
	General Retail Sales, Outdoor operations, display or storage													C	C	A		C			
	Landscaping Materials Sale/Greenhouse/Nursery	C	C	C	C	C	C	C	C	C	C	C	C	A	A	A		A	C	C	
	Manufactured Building Sales and Service															A		A			
	Produce Stands <sup>2</sup>	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A
	<b>Retail Sales and Service, continued</b>																				
Rental Service, Indoor display/storage														A	A	A		A		A	
Rental Service, Outdoor display/storage															A	A		A			
Repair, small appliance											A	A	A	A	A		A			A	
Repair, large appliance														A	A	A		A	A	A	
Personal Services											A	A	A	A	A	C				A	
All Other Retail Sales and Service												A	A	A	A	C				C	
<b>Self-Service Storage</b> - uses providing separate storage areas for individual or business uses																					
Mini-Warehouse									C	C				C	A	A	C	A	A	C	
<b>Vehicle Repair</b> - repair service to passenger vehicles, light and medium trucks and other consumer motor vehicles															A	A	C	A	A		
Body Shop														C	A	C	A	A			
Truck Stop/Travel Plaza														C	A		A	A			
Tire Recapping and Storage															A		A	A			
All Other Vehicle Repair															C		C	A			
<b>Vehicle Service, Limited</b> - direct													C	A	A	A	C	A	A	C	

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services to motor vehicles where the driver or passengers generally wait in the care or nearby while the service is	Gasoline Service Station											C	A	A	A	C	A	A		C		
	Quick Lube											C	A	A	A	C	A	A		C		
	All Other Vehicle Service, limited											C	A	A		A	A					
<b>INDUSTRIAL</b>																						
Manufacturing and Production - firms involved in the manufacturing, processing, fabrication, packaging, or assembly of goods	<b>Indoor Operations and Storage</b>																					
	Assembly													A	A	A	A	A	A		A	
	Food Products													A	A	A	A	A	A		A	
	Manufacturing/Processing												C	C	A	A	A	A		A		
	<b>Indoor Operations with Outdoor Storage</b>																					
	Assembly														C	A	A	A	A		C	
	Food Products														C	C	A	A	A		C	
	Manufacturing/Processing															A	A	A	A		C	
	<b>Outdoor Operations and Storage</b>																					
	Assembly															C	C	A	A			
	Food Products															C	C	A	A			
	Manufacturing/Processing															C	C	A	A			
	All Other Industrial Service																C	C	C			
	Junk Yard	Junk Yard																C	C			4.3.D
	Impound Lot	Impound Lot															A		A	A		
Heavy Equipment Storage/Pipe Storage	All															C	A	A				
Warehouse and Freight Movement - firms involved in the storage or movement of freight	Indoor Operations, Storage and Loading															A	A	A	A		A	
	Indoor Storage with Outdoor Loading Docks															C	A	A	A		C	
	Outdoor Storage or Loading															C	A	A				
	Gas or Petroleum Storage															C	C	C				
	Sand or Gravel Storage																	A	A			4.3.K
	All Other																	C	C			
Waste-Related Use - uses that receive solid or liquid wastes from others, uses that collect sanitary wastes or uses that manufacture or produce goods or energy from the composting of organic material	Non-Hazardous Waste Transfer																C	C	C			
	Medical/Hazardous Waste Transfer Station																	C	C	C		4.3.J
	Solid Waste Disposal Sites																C	C	C			
	Recycling Collection Point												C	C	C	C	C	C	C			
	All Other Waste-Related																	C	C	C		
Wholesale Sales - firms involved in the sale, lease or rental of products primarily intended for industrial, institutional or commercial businesses	Wholesale Business (No Highly Flammable Materials/Liquids)															A	A	A	A		A	
	Agricultural Products	C															C	A	A		C	
	All Other Wholesale Uses																C	A	A		C	

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<b>OTHER</b>																						
<b>Agricultural</b>	Animal Confinement																	C	C	C		
	Dairy	C																C	C	C		
	Confined Animal Feeding Operation, Feedlot																	C	C	C		
	Forestry, Commercial	A																				
	Pasture, Commercial	A	A	A	A													A	A			
	Winery	C															C	C	C	C	C	
	All Other Agriculture	A	A	A	A													C	C			
<b>Aviation or Surface Passenger Terminal</b> - facilities for the landing and take-off of flying vehicles or stations for ground-based vehicles, including loading and unloading areas	Airports/Heliports														C	C	C	C	C			
	Bus/Commuter Stops	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	
	Bus/Railroad Depot												A	A	A	A	A	A	A	A		
	Helipads												C	C	C	C	C	C	C	C	C	
	All Other Aviation or Surface Passenger Terminal															C	C	C	C			
<b>Mining</b> - mining or extraction of mineral or aggregate resources from the ground for off-site use	Oil or Gas Drilling	C															C	C	C			
	Sand or Gravel Extraction or Processing	C														C	C	C	C		4.3.K	
	All Other Mining	C																C	C			
<b>Telecommunications Facilities</b> - devices and supporting elements necessary to produce nonionizing electromagnetic radiation operating to produce a signal	Telecommunications Facilities & Support Structures	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	4.3.R

<sup>1</sup> Only allowed as part of a mixed use development.

<sup>2</sup> Produce stands are allowed in residential zone districts only for products produced on the premises provided no hazards are created with parking, ingress, egress and signage and the operation does not disrupt the peace, quiet and dignity of the neighborhood. Produce stands in non-residential zone districts may include products produced off-premise and require a Temporary Use Permit.

<sup>3</sup> In some zone districts, lots originally platted and zoned for detached dwellings require a Conditional Use Permit for attached units. See Section 3.3.