

ORDINANCE NO. 1819

AN ORDINANCE REPEALING AND REENACTING THE PLANNED DEVELOPMENT SECTION OF THE CITY ZONING ORDINANCE.

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

That Subsection 15 of Section 3 of Chapter 32 of the Code of Ordinances of the City of Grand Junction is repealed and reenacted to read as follows:

Section 3 Zone Classifications

Zone Districts

(15) Planned Developments

*A. Statement of Purpose

Planned Development Zone is designed to provide project variety and diversity through the variance of normal zoning and subdivision standards so that maximum long-range benefits can be gained and the unique features of the development of site preserved and enhanced while still being in harmony with the surrounding neighborhood.

B. Types of planned zones and uses allowed.

1. PR (Planned Residential)

The following uses may be permitted within a PR at the discretion of the City Council.

a) Single family homes, duplexes, multi-family dwellings and accessory uses.

b) Business and commercial areas unquestionably subordinate to the residential uses, and oriented to serve the residents of the PD and the immediate neighborhood rather than to the general community, suitably designed and landscaped in a manner which will protect adjoining residential uses. All specific requirements pertinent to a Planned Trade Development in paragraph 3 and subsection D. shall apply to these uses;

c) Public facilities such as, but not limited to, schools recreational facilities, hospitals, churches, cultural buildings or structures essential to providing the public with electric power, gas, water, sanitation, etc.;

d) Other areas compatible with the purposes of the PD which are not objectionable because of traffic generation, emission of dust, odor, fumes, vapor, smoke, noise, light, refuse matter, or vibration.

2. PMH (Planned Mobile Homes)

The following uses may be permitted within a PMH at the discretion of the City Council.

- a) Mobile home parks, mobile home subdivisions and accessory uses.
- b) Uses as may be permitted in PR zones.
- c) Areas of expansion, or modifications of items such as roads or improvements, for existing mobile home parks and subdivisions shall be in accordance with the provisions and procedures of the Planned Development Regulations.
- d) Permanent spaces within a PMH intended for mobile homes shall not be leased for temporary campers and/or recreational vehicles.

3. Planned Trade Developments

a) Unlike a neighborhood business and/or commercial center within a PR or PMH, these districts are intended to serve a larger community than a single specific neighborhood. Planned Trade Developments may be on of 3 zones.

1. PB (PLANNED BUSINESS)
2. PC (PLANNED COMMERCIAL)
3. PI (PLANNED INDUSTRIAL)

b) Uses in these PD districts are those enumerated in the respective Business, Commercial, and Industrial districts within the City of Grand Junction Zoning Ordinance, except as specifically denied by the City Council. The Council may define a range of uses which it considers appropriate for inclusion, or a range of uses it would specifically encourage, in any particular Planned Trade Development.

c) Other uses may be allowed within any Planned Trade Development at the discretion of the Board.

4. PREC (PLANNED RECREATION)

a) The following uses may be permitted at the discretion of the City Council:

1. Primary recreational uses - those facilities and structures directly related to use of a specific recreational resource or opportunity.

2. Secondary Recreational uses - those facilities or structures not vital to use of the recreational resource, but justified by their relation to the recreational resource itself and the primary recreational use, such as, but not limited to: lodges, inns, guest

houses, cabins, dormitories, condominiums, single family homes, child care facilities, retail sales and services, facilities serving food and beverages, offices, service stations (including the sale of petroleum products and minor or emergency repairs and servicing of motor vehicles), museums, meeting rooms, assembly halls or auditoriums, religious facilities, indoor theaters, personal service shops and facilities, and medical or dental clinics. Adequate consideration shall be given to the need for employee housing generated by any of the above.

3. Facilities to house and provide for necessary public services such as police, fire, library, schools, post office, utility and transportation systems.

b) The Council may, after considering the recommendation of the Commission, allow whatever developable density it deems justifiable in relation to the recreational resource, primary recreational development, and submitted data.

c) Each petition to create a PREC must be accompanied by a Recreational Development Plan, consisting of both a short term plan (specifying development planned for the subsequent 3 years) and a long-term plan, describing in general terms logical maximum development within the zone. The Recreational Development Plan shall further distinguish between Primary and Secondary Recreational uses.

d) The Commission and the City Council shall evaluate the proposed development in relation to the specific recreational resource. In no case shall the proposed development, particularly the secondary recreational uses, degrade or adversely affect the recreational resources or its future development.

e) Business uses shall logically serve recreational users. It is not the intent of the PD category to create competition for existing commercial uses in nearby areas.

f) The Council shall also take into consideration the distance or "walking radius" for pedestrians on the site, and whether the PREC should be served by public or private roads.

C. General Provisions

*1. It is the intent of this ordinance that subdivision review under the subdivision control ordinance be carried out simultaneously with the review of a Planned Development under this section of the zoning ordinance.

*2. The development plans submitted under Section D shall be submitted in a form which will satisfy the requirements of the subdivision control ordinance for preliminary and final plats.

*3. The requirements of both this section of the zoning ordinance and those of the subdivision regulations shall apply to all

Planned Developments, and all actions of the City Council pertaining to Planned Developments shall be based upon a recommendation by the Planning Commission.

*4. In no case shall the requirements of the Building Code, Fire Code, or Mobile Home Ordinance, be varied as a part of the approval process of a Planned Development.

*5. In the event of transfer of ownership of any property within a planned development zone, it shall be the responsibility of the seller to inform the buyer of the properties exact status with respect to the planned development process.

6. The criteria used by the Council to determine the appropriate density in residentially-oriented PDs include the following:

- a) The compliance of the PD with adopted plans and policies;
- b) The compatibility of the proposed density with the development patterns and densities in the vicinity;
- c) The distance of the PD from the nearest urban core area, including jobs, shopping, and community facilities; in general, PDs in closer proximity to urban core areas shall receive higher densities than those which are further removed, or where necessary services are unavailable;
- d) Whether the development will accomplish beneficial public purposes;
- e) The availability of public services such as sewer, water, schools, roads, parks, fire and police protection;
- f) The livability and function of the PD as achieved by means of the design and public/private amenities incorporated into the PD;
- g) Whether there is presently hazardous vehicular congestion on streets and highways or at intersections in the vicinity, and whether improvements are foreseeable;
- h) Whether there are any hazard areas or environmental constraints within the property;
- i) The effect of the proposed use on mineral extraction;
- j) Compliance with the Statement of Purpose;
- k) Energy-efficiency of site design.

D. Site Planning and Design Requirements

*1. External Relationships

Site Planning within any PD shall provide for the protection of

the development from potentially adverse surrounding influences, and shall also provide for the protection of surrounding areas from potentially adverse influence within the development. Vehicular, pedestrian and cyclist circulation shall be designed to permit smooth traffic flow with controlled turning movements and minimum hazards to vehicular, pedestrian and cyclist traffic.

*2. Screening

Fence, wall and/or vegetative screening shall be provided where needed to protect occupants from undesirable views, lighting, noise, off-site influences, or to protect occupants of adjoining zones from similar adverse influences within the PD. In either case, screening shall be designed to control the existing or potential adverse views from existing or potential first floor windows in the PD or other adjoining zone. Screening requirements may be waived where terrain makes protection against overview impracticable, but where the requirement is not waived, bulk parking areas and service areas, in particular, shall be screened.

*3. Landscaping

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

a. Existing Vegetation

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

b. Selection and Arrangement of Plant Materials

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

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

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

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

4. Circulation

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

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

*b. Vehicular, pedestrian, and cycling circulation shall be designed to permit smooth traffic flow, with controlled turning movements and minimum hazards. Streets shall be laid out to discourage outside traffic from traversing minor streets. Consideration shall be given to location of walkways to be used by substantial numbers of children as play areas or routes to school in a manner to minimize contact with normal vehicular traffic.

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

5. Open Space

a) Landscaped areas, recreational areas, and those areas retained in natural or quasi-natural condition shall together constitute open space. Open space may also serve to preserve visual separation or buffers between varying uses. Wherever desirable, open space areas should be integrated with each other and linked by trails, drives and/or pedestrian walkways rather than existing as isolated unrelated fragments.

b) Open space areas and facilities shall be deeded to a Homeowner's Association, or dedicated to a public body, if acceptable to the Council. If not dedicated, the developer shall include provisions in the contract to insure continuing maintenance. In the event that such provisions do not result in maintenance acceptable to the City, The City shall have the authority to cause such maintenance to be performed, and to assess the cost of same to the properties within the Planned Development.

*6. Planned Trade Uses

The following standards apply to all proposed planned trade uses regardless of the specific type of planned zone in which they are located.

a) Such uses shall be so located and so designed as to provide direct access to secondary or major streets without creating congestion or traffic hazards on any street. Orientation of buildings and parking areas shall be to these streets and not to any minor street.

b) Layout of parking and service areas, entrances, exits, yards, courts and landscaping, and control of signs, lighting, noise and other potentially adverse influences shall protect the character of the Planned Development and any adjoining uses.

c) Where appropriate with general design, location and timing of operations within the PD, trade use parking, service areas and access ways may be located to serve other non-residential uses in the vicinity. Such multiple use shall not lead to congestion or hazards to pedestrian or vehicular traffic.

d) When a PD contains several trade uses, these should be planned as groups with common parking areas and access. Trade areas intended for future phases of a PD shall be maintained in a neat and orderly manner. Trade PD uses shall be developed utilizing landscaping and screening to buffer parking areas, loading docks, and outdoor storage of materials and products from adjacent residential areas. Traffic generated through residential areas will be discouraged.

E. Administrative Procedures and Requirements

1. An applicant shall apply for approval of the Planned Development to City Council after recommendation by the Planning Commission. The Development Department shall determine the required stages of submittal at a preapplication conference with the developer. The following options for submittal are available:

a) Three stage - Outline, preliminary, final;

b) Two stage - Preliminary, Final;

c) Two stage - Outline, Final;

d) One stage - Final.

Option (d) is available only to those parcels meeting the criteria of a Minor Subdivision. The stages required of a developer shall be determined by the size, scope, location, and possible impact of the proposed development.

2. The City Council reserves flexibility in making determinations

regarding PD rezone applications. Depending upon the detail of the submittal attached to the rezone petition, and the amount, and type of impact potentially created by the PD, the Council may:

a) Approve a specific density immediately at the Outline Development Plan stage.

b) Approve only a "design density" at the Outline Development Plan stage, which sets upward density limits fully contingent upon satisfaction with the subsequent submittals. The specific density shall then be established at the subsequent submittal.

F. Outline Development Plan

The purpose of the Outline Development Plan is not to require in-depth site analysis at this stage, but to review the contents of the proposal to determine whether public or private benefits would be derived through the use of a PD district. Submission material for the Outline Development Plan need not normally exceed in detail the requirements listed below. A developer may voluntarily submit more detailed information, and the Board may require more detailed information when deemed necessary to make a decision.

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

a. A conceptual site plan showing the various existing and proposed types of land use, depicting their relationship to each other and to surrounding areas. This site plan should take the form of a "bubble" map, which locates proposed uses in an approximate fashion, including tentative circulation diagrams and anticipated buffers or screening, rather than necessitating building footprints or precise street layouts.

b. A written statement containing the following information:

1. The approximate number of acres in each type of land use;

2. The request in terms of approximate, or "design", density;

3. The character and density of dwellings, structures, or uses on each portion of the property;

4. Soil types and their boundaries, based on approved SCS information;

5. Developments exceeding 40 acres in size shall indicate if portions of the total land area will be phased through the preliminary stage. Those projects of less than 40 acres shall submit the entire area for preliminary review at one time;

6. A general indication of the expected schedule of development.

c. Subsection A (Purpose) and Subsection C (General Provisions) should be taken into consideration in preparation of the Outline Development Plan.

2) Processing Procedures

*a. Within sixty (60) days after the submittal of the Outline Development Plan the Planning Commission shall hold a public hearing on the PD zoning petition and the submitted outline development plan. A written recommendation (addressing the two types of declarations discussed in (c) below) shall be forwarded to the Council within thirty-five (35) days of the Commission's hearing.

*b. Within thirty (30) days of the receipt of the Commission recommendation the City Council shall hold a public hearing on the petition and the Outline Development Plan.

c. The Council shall make two declarations regarding any PD petition and its accompanying outline development plan within thirty (30) days of its hearing. First, the Council shall address the rezone petition with an ordinance and determine whether the proposed PD conforms with the Master Plan and adopted City Policies. Approval of any petition shall be followed by establishment of a PD designation on the zoning map. Secondly, the Council shall address the submitted outline development plan, and either accept, reject, or require modifications for the preliminary plan preparation. Acceptance of an outline development plan and its accompanying "design" density shall not commit the Council to approval of a subsequent preliminary plan, densities, or conditional uses, unless the Council voluntarily chooses to commit itself at this time. If the Council does award a "specific" density at the Outline Development Plan state, it shall then be attached to the PD designation on the zoning map.

d. A preliminary plan, including all required submittal material, shall be submitted within twelve (12) months of acceptance of the outline development plan by the Council. If the developer desires an extension, the developer shall submit a letter stating the circumstances necessitating the extension. The Council may for good cause extend the preliminary submission deadline, or may otherwise withdraw its acceptance of the outline development plan.

G. Preliminary Plan

1. A preliminary plan constitutes the major step in the review process. The submissions should be detailed enough to answer the questions "should this use, designed in this particular manner, be constructed on this site?" The accepted "design" density indicated in the outline development plan resolution cannot be presumed as a matter of right from the PD zoning designation, but must be

justified at the preliminary stage through site and structure design, unless the Council has previously committed itself regarding density. The Council, unless it has previously committed itself to approval of a "specific" density, reserves the right to reduce the density on all or any portion of a PD when it determines that the design fails to fulfill the purposes of this PD section.

*2. Submittal Requirements

a. The applicant shall submit all materials required by the preliminary plan section of the Grand Junction subdivision regulations.

b. A plot plan indicating each building site and common open areas, showing the approximate location of all buildings, structures, and improvements, and indicating the open space around buildings and structures.

c. Elevations and/or perspective drawings of all proposed structures and improvements, except single family detached residences and their accessory buildings. The drawings need not be the result of final architectural design and need not be in detail.

d. The development schedule indicating

1. The approximate date of which construction of the project can be expected to begin.

2. The stages in which the project will be built and the approximate date when the construction of each stage can be expected to begin.

3. The anticipated rate of development.

4. The approximate dates when the development of each of the stages in the development will be completed.

5. The area and location of common open space that will be provided at each stage.

e. Agreements, provisions, or covenants which govern the use, maintenance and continued protection of the Planned Development and any of its common areas.

f. The following plans, reports, and diagrams insofar as the Planning Department finds that the Planned Development may create special problems of traffic, parking or landscaping:

1. An off-street parking and loading plan.

2. A circulation diagram indicating the proposed movement.

3. A landscaping and tree planting plan.

3. Processing Procedures

a. Within sixty (60) days after the submittal of the Preliminary development plan the Planning Commission shall review the plan at a public hearing and shall forward a recommendation to the Board within thirty-five (35) days of the hearing. A Recommendation of approval by the Commission of a project containing residential units shall contain a specific residential density recommendation to be attached to the PD designated, if such density has not been previously determined.

b. Within thirty (30) days of the receipt of the Commission recommendation the City Council shall review the preliminary plan at a public hearing. The Council shall consider the contents of the preliminary submittal and the recommendation of the Commission. The Council shall then approve, deny, or approve with modifications the preliminary plan within thirty (30) days of the hearing. In addition, the Council shall set the specific density of the approved preliminary, if not previously done. The approved density will be attached to the PD designation on the zoning map.

c. If the preliminary plan is filed in phases, specific densities may be assigned to each phase. Density at each preliminary phase must be justified by site-specific and structure-specific design. Non-utilized density from one phase may be carried over to be used on subsequent phases only upon approval of the Council when in keeping with the overall development plan.

d. The City of Grand Junction reserves the option to suggest changes in the PD throughout the preliminary review process. In the event that the preliminary plan is not approved by the Council, the applicant may resubmit an amended preliminary plan in accordance with the submittal and processing procedures.

e. Following the approval of a preliminary plan, the applicant shall file with the Development Department a final development plan and final subdivision plat in accordance with negotiated development schedule. An approved preliminary area may be finalized by more than one final plan and plat.

f. In the event a homeowner's association is to be created to administer the project's lands or facilities, it shall be incorporated. The articles of incorporation and Restrictive Covenants must be filed at or prior to the recording of the Final Plan and Plat.

H. Final Development Plan and Subdivision Plat

1. Submittal Requirements

a. The applicant shall submit all materials required by the Final Plat section of the Grand Junction Subdivision Regulations.

b. A final development plan shall be required which finalizes the information required in the preliminary plan.

2. Processing Procedures

a. Within sixty (60) days after the submittal of the final development plan the Planning Commission shall review the final plan and plat at a regular meeting. It shall forward a recommendation to the City Council within thirty-five (35) days of its hearing.

b. The Council shall review the plan within thirty (30) days of the receipt of the Commission recommendation and plat at a regular meeting. The Council shall approve, deny, or require changes to the final plan and/or plat within thirty (30) days of its hearing.

c. Upon final approval the plan and plat will be recorded in accordance with the Grand Junction Subdivision Regulations. The final plat shall include any or all of the following additional information which is pertinent to the PD: the negotiated setbacks, a list of approved and/or specifically excluded use, and any pertinent conditions or stipulations which were attached to the approval.

*d. All public or commonly owned site improvements approved or required by the Council (such as, but not limited to, those listed below) shall be included in the improvements agreement, financial guarantee, and development schedule for improvements:

Road grading, Surfacing/Signing/Lighting
Curbs/Gutters
Sidewalks/Pedestrian walks/Trails, Associated Structures
Sanitary sewers stubbed to each lot
Water lines stubbed to each lot, including fire hydrants
Drainage structures/Improvements
Open space improvements/Facilities/Landscaping
Structures/Parking areas
Irrigation water system for open space

*e. Unless the time limit established by the final development schedule has passed, the appropriate official may issue building permits for buildings which conform to the Final Development Plan after the plan has been recorded. If the time limit established by the improvements development schedule has passed, no building permits shall be issued until after the Council has review and approved a revised improvements development schedule submitted by the applicant.

*I. Amendments to the Final Plan

No changes may be made in the approved final plan during the construction of the Planned Development except upon application to the appropriate agency under the procedures provided below:

1. Minor changes in the location, siting and height of buildings and structures may be authorized by the Planning Department if required by engineering or other circumstances not foreseen at the time the final plan was approved. No change authorized by this section may increase the dimensions of any buildings or structures by any more than ten percent (10%).

2. All other changes in use, any rearrangement of lots, blocks and buildings, any changes in the provision of common open spaces and all other changes in the approved final plat must be made by the City Council, under the procedures authorized by this ordinance for the amendment of the zoning map. No amendments may be made in the approved final plan unless they are shown to be required by changes in conditions that have occurred since the final plan was approved or by changes in the development policy of the community, or by conditions that were unforeseen at the time of approval of the final development plan.

3. Any changes which are approved for the final plan must be recorded as amendments to the recorded copy of the final plan.

J. Enforcement of the Development Schedule and Procedures for Reversion

If the owner or owners of property in the PD have failed to meet a mutually-approved development schedule, or failed to submit a preliminary or final plan within the agreed-upon period of time, or failed to obtain an extension, the Commission may initiate action to withdraw approval of the Planned Development. Such action shall consist of a formal recommendation for reversion to the prior zoning classification, to be deliberated at a public meeting for which the property was signed and abutting property owners notified. This public meeting shall not be an advertised public hearing. The Commission's recommendation will then be forwarded to the City Council. After holding an advertised public hearing, the Council may extend the limits of the development schedule or withdraw the Planned Zone designation, in which case the land will revert to its previous zoning.

*Indicates that paragraph, subsection or section has had no changes from existing PD Regulations other than minor wording changes or organization.

PASSED and ADOPTED this 6th day of June, 1979.

Jane S. Quimby

President of the Council

Attest:

Theresa F. Martinez

Deputy City Clerk

ORDINANCE NO. 1819

I HEREBY CERTIFY that the following entitled Ordinance:

AN ORDINANCE REPEALING AND REENACTING THE PLANNED DEVELOPMENT SECTION OF THE CITY ZONING ORDINANCE.

being Ordinance No. 1819, was introduced, read, and ordered published in pamphlet form by the City Council of the City of Grand Junction, Colorado, at a regular meeting of said body held on the 16th day of May, 1979, and that Notice to this effect was published in The Daily Sentinel, a newspaper published and in general circulation in said City, at least ten days before its final passage.

IN WITNESS HEREOF, I have hereunto set my hand and affixed the Seal of said City this 7th day of June, 1979.

Theresa F. Martinez

Theresa F. Martinez
Deputy City Clerk

Published: May 18, 1979

Published: June 8, 1979

Effective: July 8, 1979