

ORDINANCE NO. 2117

AN ORDINANCE AMENDING SECTIONS OF CHAPTER 32 OF THE CODE OF ORDINANCES CONCERNING PLANNING AND ZONING GOALS IN THE DOWNTOWN DEVELOPMENT AREA OF THE CITY, ADOPTING MEASURES AND PLANS TO CARRY OUT THOSE GOALS, CHANGING CERTAIN STRUCTURE HEIGHTS PERMITTED IN VARIOUS ZONES, PROVIDING FOR VARIANCES FROM THOSE HEIGHTS, CHANGING CERTAIN REGULATIONS AS TO PLANNED DEVELOPMENTS IN THE CITY, AND PROVIDING FOR PLANNING COMMISSION REVIEW OF CERTAIN ACTIONS.

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

That the following sections of Chapter 32 of the Code of Ordinances of the City of Grand Junction be amended or repealed in the following particulars:

SECTION 1. Section 3-12-1 (Goal) is amended to read as follows:

Strengthen and revitalize the downtown planning area as the cultural, governmental and financial center of the city in image and function and as a viable commercial and residential area. Create a positive quality image for the downtown planning area by enhancing its distinctive qualities and insuring a high quality of renovation and redevelopment, AND, TO THIS END, THE DOWNTOWN DEVELOPMENT STRATEGY IS ADOPTED AS THE DOWNTOWN ELEMENT OF THE CITY OF GRAND JUNCTION'S COMPREHENSIVE PLAN.

(Note: The following objectives and policies incorporate plans, policies and programs previously adopted by the City Council, Downtown Development Authority and Planning Commission including the "Downtown Development Strategy", the "DDA Plan of Development" and others. It is understood that additional more specific plans, policies and programs to achieve the objectives outlined in this section will be developed for implementation by the Downtown Development Authority, Housing Authority and City agencies. Specific incentives to encourage private property owners and developers to undertake projects which will implement the policies will be made available.)

SECTION 2. Section 4-2-9. H. Limitations, is hereby repealed.

SECTION 3. Section 4-2-8.A. (RMF-32) is hereby amended, as follows:

A. Maximum height of structures . . . 36 feet

SECTION 4. Section 4-2-9.A. (RMF-64) is hereby amended, as follows.

A. Maximum height of structures . . . 36 feet

SECTION 5. Section 4-2-10.A. (B-1) is hereby amended, as follows:

A. Maximum height of structures . . . 40 feet

SECTION 6. Section 4-2-11.A. (B-2) is hereby amended, as follows:

A. Maximum height of structures . . . 40 feet

SECTION 7. Section 4-2-12.A (B-3) is hereby amended, as follows:

A. Maximum height of structures . . . 40 feet

SECTION 8. Section 4-2-13.A. (C-1) is hereby amended, as follows:

A. Maximum height of structures . . . 40 feet

SECTION 9. Section 4-2-14.A. (C-2) is hereby amended, as follows:

A. Maximum height of structures . . . 40 feet

SECTION 10. Section 5-1-6.A. is hereby amended to read as follows:

5-1-6 Structure Height

A. The maximum height for structures in all zones except RSF, may be increased BY UP TO 25% OF THE ALLOWED HEIGHT by action of the Governing Body upon recommendation of the Planning Commission following a public hearing. The applicant shall obtain written evidence from the Fire Department District and Building Inspector that the preliminary plans for the proposed structure requiring THE ADDITIONAL HEIGHT ALLOWANCE include adequate features for fire protection and public safety.

SECTION 11. Section 5-1-6.A.1.b. is hereby amended BY THE ADDITION OF A NEW SENTENCE to read as follows:

5-1-6.A.1. Criteria

b. Is the height increase compatible with the surrounding area or will there be adverse impacts. CONSIDER IMPACTS ON LIGHT AND SHADOW, VIEWS, PRIVACY, AND NEIGHBORHOOD SCALE.

SECTION 12. Section 5-1-6 is hereby further amended BY THE ADDITION OF A NEW PARAGRAPH to read as follows:

5-1-6.D. STRUCTURE HEIGHTS 25% GREATER THAN THE ZONE DISTRICT MAXIMUM MAY BE ALLOWED ONLY THROUGH THE PROVISIONS OF THIS CODE FOR PLANNED DEVELOPMENT (CHAPTER 7).

SECTION 13. Section 5-1-7 is hereby amended BY THE ADDITION OF A NEW OPENING SENTENCE to read as follows:

5-1-7 Setbacks (THIS SECTION SHALL NOT APPLY IN ANY PLANNED DEVELOPMENT ZONE.)

SECTION 14. Section 5-5-1.A. is hereby amended to read as follows:

A. The minimum standards for off-street requirements shall be required for all new construction and expansions of existing uses unless otherwise acceptably provided. Off-street parking shall be reviewed under the site plan review process.

SECTION 15. Section 7-1-1 is hereby amended by deletion of paragraph H. as it now reads and BY THE INSERTION OF NEW LANGUAGE, as follows:

H. TO ALLOW FLEXIBILITY IN APPLICATION OF THE ZONING REQUIREMENTS AS SET FORTH IN CHAPTER 4 REGARDING BULK, DENSITY, AND OPEN SPACE, WHILE ENSURING THAT SUCH FLEXIBILITY WILL NOT BE USED IN A MANNER WHICH DISTORTS THE OBJECTIVES OF THE ZONING CODE;

SECTION 16. Section. 7-1-2 is amended in the opening paragraph to read as follows:

Section 7-1-2. Planned developments are encouraged IN ORDER TO ALLOW AND TO FOSTER:

SECTION 17. Article 7 is amended BY THE ADDITION OF A NEW SECTION to read as follows:

7-2-6 PLANNED DOWNTOWN DEVELOPMENT (PDD)

A. THE PLANNED DOWNTOWN DEVELOPMENT ZONE IS AVAILABLE TO APPLICANTS PROPOSING A DEVELOPMENT IN THE DOWNTOWN PLANNED DEVELOPMENT AREA, AS SPECIFIED IN SECTION 7-2-6.C. THE BOUNDARIES OF THE AREA IN WHICH THE DOWNTOWN PLANNED DEVELOPMENT MAY BE USED ARE DESCRIBED IN SECTION C OF THIS SECTION.

ANY PD PROPOSED WITHIN THE DOWNTOWN PLANNED DEVELOPMENT AREA SHALL BE CONSIDERED A PDD AND ALL PDD PROVISIONS SHALL APPLY. IT IS THE INTENT OF THE PLANNED DOWNTOWN DEVELOPMENT ZONE TO ENCOURAGE DEVELOPMENT AND REDEVELOPMENT OF THE TYPES, LOCATIONS, DENSITIES, AND QUALITY THAT ARE CONSISTENT WITH THE ADOPTED DOWNTOWN MASTER PLAN, AN ELEMENT OF THE CITY'S COMPREHENSIVE PLAN.

B. USES IN THE PDD ARE THOSE ENUMERATED IN THE RESIDENTIAL, COMMERCIAL, AND BUSINESS ZONES IN THIS CODE, AS WELL AS APPROVED GOVERNMENTAL USES, EXCEPT AS SPECIFICALLY DENIED BY THE GOVERNING BODY FOR FAILURE TO CONFORM TO THE POLICIES, GOALS, AND OBJECTIVES OF CHAPTER 3 OF THIS CODE.

C. A PDD MAY BE USED, AND WILL BE THE ONLY FORM OF PLANNED DEVELOPMENT ALLOWED TO BE USED WITHIN THE FOLLOWING DESCRIBED BOUNDARIES:

1) ON THE WEST: FROM FIRST AND OURAY SOUTH ALONG FIRST TO THE D & RW, RR DEPOT;

2) ON THE SOUTH: FROM FIRST STREET ALONG THE BOUNDARY OF THE D & RW, RR DEPOT TO SOUTH AVENUE, AND THEN EAST ALONG SOUTH AVENUE TO

NINTH STREET;

3) ON THE EAST: ALONG NINTH STREET FROM SOUTH AVENUE TO THE EAST/WEST ALLEY BETWEEN GRAND AVENUE AND WHITE AVENUE;

4) ON THE NORTH: THE EAST/WEST ALLEY BETWEEN GRAND AVENUE AND WHITE AVENUE BETWEEN EIGHTH STREET AND NINTH STREET; GRAND AVENUE BETWEEN EIGHTH STREET AND THE NORTH/SOUTH ALLEY BETWEEN SEVENTH STREET AND EIGHTH STREET ON GRAND AVENUE; WHITE AVENUE BETWEEN SEVENTH STREET AND THE NORTH/SOUTH ALLEY ON WHITE AVENUE BETWEEN SEVENTH STREET AND EIGHTH STREET: THE NORTH/SOUTH ALLEY BETWEEN GRAND AVENUE AND WHITE AVENUE FROM SEVENTH STREET TO THE EAST/WEST ALLEY BETWEEN SIXTH STREET AND SEVENTH STREET; AND THEN TO THE EAST/WEST ALLEY FROM SIXTH STREET TO SEVENTH STREET BETWEEN GRAND AVENUE AND OURAY AVENUE: AND OURAY AVENUE FROM FIRST STREET TO SIXTH STREET.

WITHIN SUCH BOUNDARY, SPECIAL SUBAREAS ARE CREATED AS DESCRIBED IN CHAPTER 3, SECTIONS 3-19-10 A TO E, OF THIS CODE. (THE ZONING MAP SHALL BE AMENDED TO SHOW THESE DISTRICTS AS DESCRIBED ON EXHIBITS A AND B.)

SECTION 18. Section 7-3-4 is hereby amended to read as follows:

7-3-4. The requirements of this Chapter and those of the Subdivision Chapter shall apply to all PD'S EXCEPT AS FOLLOWS: WHEN A PD IS PROPOSED IN AN EXISTING SUBDIVISION AND NO CHANGES ARE PROPOSED IN EXISTING LOT BOUNDARIES, RIGHTS-OF-WAY OR PUBLIC OR PRIVATE EASEMENTS, NO FINAL PLAT SHALL BE REQUIRED.

SECTION 19. Section 7-3-5 is hereby amended BY THE ADDITION OF A NEW OPENING SENTENCE to read as follows:

7-3-5 CONVENTIONAL ZONE DISTRICT REQUIREMENTS REGARDING BULK, HEIGHT, DENSITY, AND OPEN SPACE SHALL NOT APPLY IN PD ZONES. In no case shall the requirements of the Building Codes be varied as a part of the approval process of a PD.

SECTION 20. Section 7-3-7, opening only, is hereby amended to read as follows:

7-3-7 The criteria used to determine the appropriate density in ANY PD, EXCEPT PDD'S IN WHICH THE CRITERIA TO BE USED ARE THOSE ADOPTED PURSUANT TO 7-3-10, WHICH WILL CONTAIN RESIDENTIAL USES SHALL include the following:

SECTION 21. Article 7-3 shall be further amended BY THE ADDITION OF THREE NEW PARAGRAPHS to read as follows:

Section 7-3-8 IN THE DOWNTOWN PLANNED DEVELOPMENT AREA, IT IS HEREBY DETERMINED AND DECLARED THAT PUBLIC BENEFIT WOULD BE DERIVED THROUGH THE USE OF THE PLANNED DOWNTOWN DEVELOPMENT ZONE AND THAT THEREFORE ANY PD WHICH MEETS THE REVIEW CRITERIA FOR THE PDD ZONE AND RECEIVES APPROVAL THROUGH THE PROCESS DESCRIBED IN

THIS CODE IS ENTITLED TO USE THE PDD ZONE, AND AFTER APPROVAL OF SUCH A PD, THE PDD ZONE SHALL BE NOTED ON THE CITY'S ZONING MAP. ACCORDINGLY, REZONING CONSIDERATIONS OF SECTIONS 7-5-2 AND 7-5-3 SHALL NOT BE REQUIRED FOR A PROPOSAL MAKING PROPER USE OF THE PDD ZONE.

Section 7-3-9 THE CRITERIA USED TO DETERMINE THE APPROPRIATE USES, LOCATIONS, DENSITIES, AND DESIGN QUALITIES IN A PDD SHALL INCLUDE THOSE SET FORTH IN Section 7-3-9A through Section 7-3-9E. COMPLIANCE SHALL BE DETERMINED BY THE STAFF AND PLANNING COMMISSION BASED ON A CONSISTENT SYSTEM FOR SCORING WHICH INCLUDES MULTIPLIERS INDICATING THE RELATIVE IMPORTANCE AMONG CRITERIA AND THE SPECIFIC GEOGRAPHIC AREAS WITHIN THE PLANNED DOWNTOWN DEVELOPMENT AREA IN WHICH THE VARIOUS CRITERIA APPLY.

Section 7-3-9.A. THE FOLLOWING CRITERIA MAY APPLY TO AND BE REQUIRED OF PLANNED DEVELOPMENTS THROUGHOUT THE DOWNTOWN PLANNED DEVELOPMENT AREA. THESE REQUIREMENTS MAY BE ELABORATED BY THE PLANNING COMMISSION AS PER SECTION 7-3-10.

1. DEMONSTRATE COMPATIBILITY WITH GOALS, OBJECTIVES, AND POLICIES.
2. AVOID OBJECTIONABLE NUISANCE.
3. FULFILL SUBMISSION REQUIREMENTS.
4. CONFORM TO OTHER APPLICABLE REGULATIONS IN THIS CODE.
5. CONFORM TO TWO-WAY CIRCULATION SYSTEM ON ROOD AND COLORADO AVENUE.
6. MAKE ANY ALLEY CLOSURE SAFE AND CONVENIENT.
7. MEET MINIMUM ILLUMINATION STANDARDS IN PEDESTRIAN AREA.
8. PROVIDE CLEAR AND UNTINTED GLASS ON PEDESTRIAN LEVEL WINDOWS.
9. PROVIDE, WHEN REQUIRED, APPROPRIATELY LANDSCAPED, DESIGNED, AND LOCATED PARKING AREAS.
10. PROVIDE PUBLIC AMENITIES IN PLAZAS.
11. PROVIDE FOR SETBACKS ABOVE THE SECOND STORY ALONG MAIN STREET BETWEEN SECOND AND SEVENTH TO MAINTAIN THE TRADITIONAL CHARACTER OF MAIN STREET AND PROVIDE SOLAR ACCESS TO THE STREET.

B. THE FOLLOWING CRITERIA MAY APPLY TO SUBAREAS OF THE DOWNTOWN PLANNED DEVELOPMENT AREA. THE SUBAREAS SHALL BE DETERMINED BASED ON THE GOALS AND POLICIES AND OBJECTIVES IN CHAPTER 3 OF THIS ZONING AND DEVELOPMENT CODE. THE INCLUSION OF EACH CRITERION FOR REVIEW OF DEVELOPMENTS IN A PARTICULAR SUBAREA AS WELL AS THE RELATIVE WEIGHT TO BE GIVEN TO EACH CRITERION WILL BE DETERMINED BY THE PLANNING COMMISSION AS PER SECTION 7-3-10, CONSIDERING:

1. CREATE OR MAINTAIN THE TRADITIONAL FACADE PATTERN CAUSED BY 50 AND 25 FOOT WIDE LOTS.
2. CREATE OR MAINTAIN A PEDESTRIAN FACADE.
3. USE FACADE MATERIALS APPROPRIATE TO THE AREA.
4. PROVIDE PEDESTRIAN ACTIVITY ALONG PEDESTRIAN WAYS.
5. AGGREGATE PARCELS FOR LARGE SCALE PLANNING AND DESIGN.
6. INCLUDE RESIDENCES IN THE PROJECT.
7. CONSIDER PEDESTRIAN WAYS, PROXIMITY TO MAIN STREET, PARKING, AND CLIMATE IN LOCATING AND DESIGNING MAIN ENTRANCES.
8. CONSIDER PEDESTRIAN WAYS, CLIMATE AND PROXIMITY TO MAIN STREET IN LOCATION AND DESIGN OF PLAZAS.
9. MINIMIZE GRADE CHANGES BETWEEN A PLAZA AND NEIGHBORING PEDESTRIAN WAYS.
10. MAXIMIZE ACCESS TO PLAZA FROM NEIGHBORING PEDESTRIAN WAYS.
11. CONSIDER ADDING PUBLIC AMENITIES TO THE AREA BEYOND THOSE REQUIRED.
12. UTILIZE THE ADOPTED DOWNTOWN DESIGN STANDARDS IN DESIGNING OUTSIDE AREAS.
13. PROVIDE MID-BLOCK PEDESTRIAN WAYS IF THEY FIT INTO THE PLANS FOR DOWNTOWN.
14. AVOID VEHICLE CROSSINGS OF IMPORTANT PEDESTRIAN WAYS IN DESIGNING PARKING.
15. PROVIDE IDENTIFIABLE BUT UNOBTRUSIVE VEHICULAR ENTRANCES TO PARKING.
16. LOCATE AND DESIGN PEDESTRIAN ENTRANCES TO PARKING FOR CONVENIENCE.
17. CONSERVE ON ENERGY USE, BEYOND MINIMUM REQUIREMENTS.
18. PRESERVE AND RENOVATE HISTORIC STRUCTURES.
19. INCLUDE SYMBOLS AND LOGOS IN SIGNS.
20. INTEGRATE THE ALLEY-SIDE FACADE INTO THE OVERALL DESIGN SCHEME.
21. SCREEN MECHANICAL EQUIPMENT AND WASTE CONTAINERS FROM VIEW.
22. USE BUILDINGS AND LANDSCAPING TO SCREEN PARKING IN OR NEAR

RESIDENTIAL NEIGHBORHOODS.

23. USE LANDSCAPING TO COMPLEMENT THE BUILDING DESIGN.

Section 7-3-9.C. PARKING SHALL BE PROVIDED IN ACCORDANCE WITH SECTION 5-5 OF THIS ZONING AND DEVELOPMENT CODE EXCEPT THAT, AS PER SECTION 7-3-10, THE PLANNING COMMISSION MAY REDUCE THE NUMBER OF SPACES REQUIRED CONSIDERING:

1. BENEFIT TO BE OBTAINED FROM PUBLIC PARKING SUPPLY EFFORTS.
2. PERFORMANCE ACCORDING TO THE OTHER CRITERIA IN THIS SECTION.
3. THE HISTORIC PEDESTRIAN ORIENTATION OF THE MAIN STREET SHOPPING MALL.
4. GOALS, OBJECTIVES, AND POLICIES IN CHAPTER III OF THIS CODE.

Section 7-3-9.D. BUILDINGS SHALL CONFORM TO A MAXIMUM HEIGHT LIMITATION OF 40 FEET EXCEPT THAT AS PER SECTION 7-3-10 THE PLANNING COMMISSION MAY INCREASE MAXIMUMS, CONSIDERING:

1. PERFORMANCE ACCORDING TO OTHER CRITERIA IN THIS SECTION.
2. KEY AREAS WHERE ADDED HEIGHT MAY BE ACCEPTABLE AND DESIRABLE.
3. GOALS, OBJECTIVES, AND POLICIES IN CHAPTER III OF THIS CODE.

Section 7-3-9.E. WITHIN THE MAIN STREET COMMERCIAL RENOVATION DISTRICT, ADDITIONAL CRITERIA MAY BE APPLIED, AND ELABORATED AS PER SECTION 7-3-10 BY THE PLANNING COMMISSION, INCLUDING:

1. EXTEND DISPLAY WINDOWS ACROSS THE ENTIRE FACADE.
2. INSTALL FABRIC AWNINGS IN TRADITIONAL CHARACTER.
3. RETAIN, RESTORE, OR INSTALL SECOND STORY WINDOWS IN TRADITIONAL PATTERN.
4. RETAIN OR RESTORE HISTORIC FACADES.
5. MAKE NEW ARCHITECTURAL DETAILS COMPATIBLE WITH OLD.
6. PROVIDE OR RETAIN CENTERED AND RECESSED ENTRANCES.
7. PROVIDE FACADE CONTINUITY AT OPEN WALKWAYS INTO THE INTERIOR OF THE BLOCK.
8. MAINTAIN A CONTINUOUS FACADE LINE ALONG MAIN STREET.
9. MAINTAIN APPROXIMATE CONTINUITY OF CORNICE ELEVATION.
10. CONFORM TO SPECIAL STANDARDS FOR SIGN SIZE, POSITIONING, AND DESIGN.

11. EMPHASIZE ALLEY ENTRANCES.

Section 7-3-10 APPLICATION OF THE CRITERIA OF SECTION 7-3-9 ABOVE TO A PDD PROJECT WILL BE THROUGH THE "REVIEW CRITERIA FOR THE PLANNED DOWNTOWN DEVELOPMENT ZONE," AS ADOPTED BY THE PLANNING COMMISSION AND PRINTED UNDER SEPARATE COVER AS AN ADMINISTRATIVE DOCUMENT, AND APPROVED BY RESOLUTION BY GOVERNING BODY.

SECTION 22. Article 7-5-4 shall be further amended BY THE ADDITION OF A NEW PARAGRAPH to read as follows:

Section 7-5-4.B.8. FOR A PD USING THE PDD ZONE, SUFFICIENT ADDITIONAL INFORMATION SHALL BE SUBMITTED TO DETERMINE IF THE PROPOSAL MEETS THE ADOPTED "REVIEW CRITERIA FOR THE DOWNTOWN PLANNED DEVELOPMENT ZONE." (See 7-3-10.)

SECTION 23. Section 7-5-5.A. is hereby amended to read as follows:

7-5-5.A Submittal Requirements: (UNLESS WAIVED BY OTHER PORTIONS OF THIS CHAPTER - See 7-3-4).

SECTION 24. Section 7-5-6.A. is hereby amended BY THE ADDITION OF TWO NEW SUB-PARAGRAPHS to read as follows:

7-5-6.A.

1. A REQUEST FOR A "MINOR CHANGE" SHALL BE MADE IN WRITING, AND A RECORD OF ANY APPROVED CHANGE SHALL BE FILED WITH THE DEVELOPMENT PLAN.

2. IN A PLANNED DOWNTOWN DEVELOPMENT, ANY CHANGE WHICH RESULTS IN A REDUCTION OF POINTS EARNED (OR NON-COMPLIANCE WITH A REQUIREMENT) WILL NOT BE CONSIDERED A MINOR CHANGE AND WILL REQUIRE REVIEW AND APPROVAL BY THE PLANNING COMMISSION.

SECTION 25. Section 9-3-6.A. is hereby amended to read as follows:

9-3-6.A. The applicant and the Staff shall review the submitted site plan for conformance with the requirements of this Code. UPON DETERMINATION THAT ALL REQUIREMENTS AND THE INTENT OF THIS CODE ARE MET, THE STAFF SHALL APPROVE THE SITE PLAN.

SECTION 26. Section 9-3-6.B. is hereby amended by the deletion of existing language and THE INSERTION OF NEW LANGUAGE to read as follows:

9-3-6.B. IF THE STAFF DETERMINES THAT THE SITE PLAN DOES NOT INDICATE COMPLIANCE WITH ALL REQUIREMENTS AND THE INTENT OF THIS CODE, THE APPLICANT MAY APPEAL SUCH DETERMINATION TO THE PLANNING COMMISSION.

PASSED and ADOPTED this 20th day of April, 1983.

Louis R. Brach

President of the Council

Attest:

Neva B. Lockhart, CMC

City Clerk

I HEREBY CERTIFY that the foregoing ordinance, being Ordinance No. 2117, was introduced, read, and ordered published by the City Council of the City of Grand Junction, Colorado, at a regular meeting of said body held on the 6th day of April, 1983, and that the same 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 WHEREOF, I have hereunto set my hand and affixed the official seal of said City this 21st day of April, 1983.

Neva B. Lockhart

Neva B. Lockhart, CMC
City Clerk

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