

ORDINANCE NO. 2226

AMENDING THE ZONING AND DEVELOPMENT CODE AND CONCERNING HOME OCCUPATIONS, BUSINESS RESIDENCES, THE PLANNING COMMISSION, DRAINAGE AND IRRIGATION SYSTEMS, COUNSELING CENTERS, STREET DEDICATION, VARIANCES, SIGNS, SMALL ANIMAL SPACING AND HOME GROWN PRODUCE.

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

That the indicated actions be taken to the Sections of Chapter 32 of the Code of Ordinances of the City of Grand Junction, as follows:

1. The definition of "Home Occupation" in Chapter 13 of the Chapter is repealed and reenacted to read:

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

2. Section 5-1-9 of the Chapter is repealed and reenacted to read:

"5-1-9 Home Occupation

A. A Home Occupation shall be considered as an allowed accessory use in those zones indicated by Section 4-3-4, Use/Zone Matrix, providing that the following conditions are met.

1. The Home Occupation may not result in the alteration of the appearance of the dwelling unit or the lot on which it is located.

2. The Home Occupation may not result in the production of any noise or vibration (except that produced by arriving or departing), light, odor, dust, smoke, or other similar effects detectable outside the dwelling unit by the sense of normal human beings.

3. No person outside of those dwelling in the residential unit may be employed in the Home Occupation.

4. The Home Occupation may not attract more than six persons per day to the dwelling unit.

5. No more than 20 square feet of storage of goods or materials related to the Home Occupation is permitted.

B. Signage allowed for a Home Occupation shall be only that signage permitted in residential zones by Section 5-7 of this code.

C. The conducting of a day care center for not more than six children and the instruction of not more than six students per day

in music (without electronically amplified sound), arts, crafts, or other similar instruction, may be considered an acceptable home occupation without compliance with paragraphs 5-1-9A.4 and 5 above.

D. The department shall review all proposed Home Occupations for compliance with the requirements of this code. A Home Occupation which is found in violation of any of the provisions of this Section (5-1-9), or other applicable portions of this code, shall cease operations until the violation has been corrected.

3. Chapter 13 of the Chapter is amended by the addition of a definition for "Business Residence", reading as follows:

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

4. Chapter 5 of the Chapter is amended by the addition of a Section 5-1-10, reading as follows:

5-1-10 Business Residence

A. A business residence is intended to be a primary residence within a business structure for the owner, operator, or employee of that business. This allowance is not intended to permit general residential uses in business or commercial areas.

B. A business residence shall be considered an accessory use in the B-1, B-3, C-1 and C-2 zones. This accessory use shall fall under the same procedures and requirements as the primary business use with which it is associated (see Use/Zone Matrix, Section 4-3-4) and shall also be subject to the following conditions.

1. The residential unit shall comply with all appropriate building and fire codes and with all applicable portions of this code.

2. A business residence shall be limited to one single family dwelling unit per primary business or structure and shall be occupied only by the owner, operator, or employee of the primary business and his immediate family.

3. The residence must be located within a structure used primarily for business purposes.

4. A minimum of two parking spaces must be provided for the dwelling unit in addition to the business parking requirement.

5. Other conditions as required by the appropriate review and approval process.

5. Chapter 1 of the Chapter is amended by the addition of a Section 1-7, reading as follows:

1-7 PLANNING COMMISSION ESTABLISHED

A. There is hereby created a Planning Commission for the City of Grand Junction. The Commission shall consist of seven members who shall be residents of the City. The Director of the Grand Junction Planning Department and/or his appointed representatives shall serve as staff to the Commission.

B. members of the Commission shall serve four years from the date of appointment, except that the terms of two of the appointees first appointed shall be for two years, with subsequent appointments to be for four years.

C. Appointments to fill vacancies on the Commission shall be made by the City Council. If a Commission member ceases to reside in the City, his membership on the Commission shall immediately terminate and on appointment made to fill out the unexpired term.

D. Members of the Commission may be removed after public hearing by the City Council for inefficiency, neglect of duty, or malfeasance in office.

E. Public hearings of the Commission shall be regularly scheduled at least once each month. Other meetings may be held as deemed necessary by the Commission under its adopted Bylaws.

F. All members of the Commission shall serve without compensation except for such amounts determined appropriate by the City Council to offset expenses incurred in the performance of their duties.

G. Except as otherwise provided by this Code, the Commission shall be governed by the provisions of Article 23, Title 31, Colorado Revised Statutes, 1973. The Commission and other City officials mentioned in said article shall have all the powers provided for in said article and be governed by the procedures therein set forth.

6. Chapter 13 of the Chapter is amended by the addition of a definition for "Counseling Center", reading as follows:

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

7. Figure 4-3-4, Use Zone Matrix, of the Chapter is amended by adding "Counseling Center" under the category "Human Care/Treatment", making it a Conditional Use in the RMF-16, RMF-24 and H.O. zones; making it a Special Use in the RMF-32, RMF-64 and P.Z. zones, and making it an Allowed Use in the B-1, B-3, C-1 and C-2 zones.

8. Section 5-3-3 of the Chapter is repealed and reenacted to read:

5-3-3 PARTIALLY DEDICATED STREET

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

9. Section 10-1-1 B.2.b of the Chapter is amended to read:

b. That are exceptional conditions, NOT CREATED BY THE APPLICANT, creating an undue hardship, applicable only to the property involved or the intended use thereof, which do not apply generally to the other land areas or uses in the zone district, and

10. Section 5-7-4 E. of the Chapter is amended to read:

E. A produce sign, NOT EXCEEDING 16 SQUARE FEET, advertising the sale of produce grown on the premises. ONLY ONE SIGN PER STREET FRONTAGE SHALL BE PERMITTED.

11. Section 5-10-4 C. of the Chapter is repealed and reenacted to read:

C. Small animals kept outside the residence (fowl, rabbits, etc.) shall be kept fenced or caged at least 100 feet from a residence on an adjoining property unless written permission is given by that adjoining property owner.

12. Figure 4-3-4, Use Zone Matrix, of the Chapter is amended by deleting "outside sale of retail goods" as a Special Use in all residential zones and by adding "produce stands" as a Special Use in all residential zones.

PASSED and ADOPTED this 3rd day of April, 1985.

????

President of the Council

ATTEST:

Neva B. Lockhart, CMC

City Clerk

I HEREBY CERTIFY that the foregoing ordinance, being Ordinance No. 2226, 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 20th day of March, 1985, 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 4th day of April, 1985.

Neva B. Lockhart

Neva B. Lockhart, CMC
City Clerk

Published: March 22, 1985

Published: April 5, 1985

Effective: May 5, 1985