

ORDINANCE NO. 2295

AMENDING THE ZONING AND DEVELOPMENT CODE TO EXPAND THE DUTIES OF THE PLANNING COMMISSION AND CONCERNING AGRICULTURAL ANIMALS AND HOUSEHOLD PETS.

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

That the following sections and subsections of the City of Grand Junction Zoning and Development Code, which is Chapter 32 of the Code of Ordinances of the City of Grand Junction, be amended in the following particulars:

1. Section 2-1-1A is amended to read:

"A. Rezoning (WHICH INCLUDES THE REZONING ACTION OCCURRING FOR A PLANNED DEVELOPMENT) "

2. That Section 2-1-1E is amended to read:

"E. THE PLAN OF DEVELOPMENT IN Planned Developments."

3. Section 2-2-2C is amended to read as follows:

"C. Planning Commission.

1. The Planning Commission shall hold regularly scheduled public meetings/hearings to review and receive public input on those items required by this Code. Public hearings which consider rezones, conditional uses and PD zone plans are quasi-judicial in character. The Planning Commission members shall function as lay citizens representing the public interests of the City. THE DECISION OF THE PLANNING COMMISSION AS TO CONDITIONAL USES, SUBDIVISIONS AND THE PLANS FOR PLANNED DEVELOPMENTS SHALL BE FINAL UNLESS APPEALED AS SET OUT IN SUBSECTION 2 OF THIS SECTION. On OTHER items where they have jurisdiction they shall make recommendations to the Governing Body to approve, approve with conditions, or deny applications. Planning Commission recommendations will be based on consideration of evidence presented including but not limited to the following:

a. Conformance with this Code and adopted plans, standards and policies.

b. Staff recommendations.

c. Review Agency input.

d. Public input and testimony received at the hearing.

e. Effects of the proposal on the neighborhood, area and community at large.

2. Minutes shall be written and retained and shall record the

evidence submitted within the hearing time allotted for the item being considered, a summary of the considerations, and the action of the Planning Commission.

3. PLANNING COMMISSION DECISIONS AS TO CONDITIONAL USES, SUBDIVISIONS AND PLANS FOR PLANNED DEVELOPMENTS MAY BE APPEALED TO THE GOVERNING BODY BY ANY PERSON WHO IS GIVEN STANDING BY THIS CODE. APPEAL SHALL BE MADE IN WRITING TO THE PLANNING DEPARTMENT OF THE CITY WITHIN THREE DAYS AFTER THE DECISION OF THE PLANNING COMMISSION IS MADE. THE MATTER SHALL THEN BE PLACED ON THE AGENDA OF THE GOVERNING BODY TO BE DETERMINED IN ACCORDANCE WITH THE PROVISIONS OF SUBSECTION D FOLLOWING."

4. "THE GOVERNING BODY OR ANY OF ITS MEMBERS MAY REQUEST THAT ANY ITEM BE FORWARDED TO THEM FOR REVIEW AND/OR HEARING. SUCH A REQUEST MUST BE MADE WITHIN THE LIMITS OF THE APPEAL SPECIFIED IN PARAGRAPH 3 ABOVE OR PRIOR TO THE PLANNING COMMISSION HEARING."

4. Section 4-6-2D is amended to read:

"D. The staff shall present the application, including comments of reviewing agencies to the Planning Commission at a hearing not later than forty-five days from the required submittal date except as provided in 2-2-2. The Planning Commission shall either approve, conditionally, approve, or deny the submitted application.

THE DECISION OF THE PLANNING COMMISSION WILL BE FINAL UNLESS APPEAL PROCEDURES ARE UNDERTAKEN UNDER THE PROVISIONS OF SECTION 2-2-2C.3."

5. Section 4-6-2F is repealed.

6. Section 4-6-2G is amended to read:

"G. Developments and uses granted by the approval of a conditional use permit shall be developed or established in accordance with the approved development schedule, OR within one year of the date of approval if no development schedule is established. Failure to so develop or establish such development or uses accordingly shall cause the permit to be revoked."

7. Section 5-1-6A is amended to read:

"A. The maximum height for structures in all zones, except RSF districts, may be increased by action of the PLANNING COMMISSION following a public hearing. THE DECISION OF THE PLANNING COMMISSION SHALL BE FINAL UNLESS APPEAL PROCEDURES ARE UNDERTAKEN UNDER THE PROVISIONS OF SECTION 2-2-2C.3. The applicant shall obtain written evidence from the Fire Department and Building Inspector that the preliminary plans for the proposed structure requiring a height variance include adequate features for fire protection and public safety."

8. Section 5-4-10 is amended to read:

"5-4-10 Public Improvement - The following improvements shall be constructed IN ACCORDANCE WITH ADOPTED STANDARDS and be the responsibility of the developer as REQUIRED in the APPROVED Development Improvements Agreement (Appendix). No improvements shall be made until required plans, profiles, and specifications have been submitted and approved."

9. Section 5-4-10G is amended to read:

"G. Other improvements and/or facilities as may be required by the APPLICABLE APPROVAL PROCESS."

10. Section 4-5-11, Subsection A, B, and C are amended to read:

"A. A development improvement agreement including a guarantee to construct all required public improvements, together with collateral which shall be sufficient to make provision for the completion of the improvements in accordance with the design and the development schedule, or:

B. Other agreements or contracts setting forth the plan, method, and parties responsible for the construction of required public improvements which will make reasonable provision for completion of the improvements in accordance with the design and the development schedule.

C. As improvements are completed, the developer may apply for a release of part or all of the guarantee. Upon inspection and approval, the PLANNING DEPARTMENT shall release the guarantee. If the PLANNING DEPARTMENT determines that any of the improvements are not constructed in substantial compliance with approved specifications and/or requirements, it shall furnish the developer a list of specific deficiencies and shall be entitled to withhold collateral sufficient to ensure compliance. If the PLANNING DEPARTMENT determines that the developer will not construct any or all of the improvements in accordance with all of the specifications and/or requirements, the PLANNING DEPARTMENT will draw and expend for the deposit of collateral such funds as may be necessary to construct the improvements."

11. Section 5-6-11 is amended to read:

"5-6-11 Improvements Guarantee - This guarantee shall consist of one or more security arrangements which secure the construction of such public improvements as are shown on the improvements agreement. THE TYPE OF ACCEPTABLE GUARANTEES SHALL BE DETERMINED BY POLICY OF THE GOVERNING BODY (see also 5-4-11)."

12. Section 6-5-1B is repealed.

13. Section 6-7-1E is amended to read:

"E. The Planning Commission shall either recommend approval, conditional approval, or disapproval within thirty-five days of the initial presentation. The reasons and/or conditions shall be set forth in the minutes of the meeting. THE DECISION OF THE PLANNING COMMISSION WILL BE FINAL UNLESS APPEAL PROCEDURES ARE UNDERTAKEN UNDER THE PROVISIONS OF SECTION 2-2-2C.3."

14. Section 6-7-1F is repealed.

15. Section 6-8-1D is amended to read as follows:

"D. If all requirements of approval of the preliminary plan have been met in the final plat, and if no adverse comments are received from review agencies, the final plat may be scheduled for consideration at the next timely meeting of the PLANNING COMMISSION.

16. Section 6-8-1E is amended to read as follows:

"E. Upon receipt and consideration of the final plat, the PLANNING COMMISSION shall either approve, approve with conditions, or disapprove the final plat. The PLANNING COMMISSION shall make a decision within sixty days of the original presentation. The decision of the PLANNING COMMISSION shall be based on careful consideration of all applicable requirements of this Code as well as review comments. THE DECISION OF THE PLANNING COMMISSION WILL BE FINAL UNLESS APPEAL PROCEDURES ARE UNDERTAKEN UNDER THE PROVISIONS OF SECTION 2-2-2C.3."

17. Section 7-2-1 is amended to read:

"7-2-1 PR (Planned Residential) - The following uses may be permitted within a PR at the discretion of the Governing Body OR THE PLANNING COMMISSION, DEPENDING ON WHICH HAS FINAL APPROVAL AUTHORITY."

18. Section 7-2-2 is amended to read:

"7-2-2 PMH (Planned Mobile Homes) - The following uses may be permitted within a PMH at the discretion of the Governing Body OR THE PLANNING COMMISSION, DEPENDING ON WHICH HAS FINAL APPROVAL AUTHORITY."

19. Section 7-2-3B is amended to read:

"B. Uses in these PD zones are those enumerated in the respective Business, Commercial, and Industrial zones in this Code, except as specifically denied by the Governing Body OR THE PLANNING COMMISSION, DEPENDING ON WHICH HAS THE FINAL APPROVAL AUTHORITY."

20. Section 7-2-3C is amended to read:

"C. Other uses may be permitted at the discretion of the Governing Body OR THE PLANNING COMMISSION, DEPENDING ON WHICH HAS FINAL

APPROVAL AUTHORITY."

21. Section 7-2-4A is amended to read:

"A. The following uses may be permitted at the discretion of the Governing Body OR THE PLANNING COMMISSION, DEPENDING ON WHICH HAS FINAL APPROVAL AUTHORITY."

22. Section 7-2-4F is amended to read:

"F. THE COMMISSION AND the Governing Body shall also take into consideration the distance of "walking radius" for pedestrians on the site, and whether the PREC should be served by public or private roads."

23. Section 7-2-5A is amended to read:

"A. The following uses may be permitted within a PAD at the discretion of the Governing Body OR THE PLANNING COMMISSION, DEPENDING ON WHICH HAS FINAL APPROVAL AUTHORITY."

24. Section 7-5-3B is amended to read as follows:

"B. Processing Procedures

1. Within sixty 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 ZONING PETITION shall be forwarded to the Governing Body within thirty-five days of the Commission hearing, AND WITHIN THAT THIRTY-FIVE DAYS A DETERMINATION SHALL BE MADE BY THE PLANNING COMMISSION ACCEPTING, REJECTING, OR REQUIRING MODIFICATIONS FOR THE PLAN. APPEALS FROM THE DECISION OF THE PLANNING COMMISSION AS TO THE PLAN MAY BE MADE IN THE MANNER SET OUT IN SECTION 2-2-2C OF THIS CODE.

2. Within thirty days of the receipt of the Planning Commission recommendation, the Governing Body shall hold a public hearing on the REZONING petition.

3. Within thirty days of its hearing, the Governing Body shall address the rezone petition and determine whether the proposed PD conforms with adopted plans and policies. Approval of any petition shall be followed by establishment of a PD designation on the zoning map. UPON AN APPEAL, the Governing Body shall address the Outline Development Plan and either accept, reject, or require modifications for the preliminary plan preparation. Acceptance of an Outline Development Plan and its accompanying "design" density shall not commit to approval of a subsequent preliminary plan, densities or uses, unless the COMMITMENT IS MADE at this time. If a "specific" density is given at the Outline Development Plan stage, it shall be attached to the PD designation on the zoning map.

4. A Preliminary Plan, including all required submittal materials, shall be submitted within twelve months of acceptance of the Outline Development Plan. If the developer desires an extension, the developer shall submit a letter stating the circumstances necessitating the extension. The Governing Body OR THE PLANNING COMMISSION, DEPENDING UPON WHICH APPROVED THE PLAN, may for good cause shown, extend the preliminary submittal deadline, or may otherwise withdraw its acceptance of the Outline Development Plan."

25. Section 7-5-4C.1 is amended to read:

"1. Within sixty days of the submittal of the Preliminary Plan, the Planning Commission shall review the plan at a public hearing. WITHIN THIRTY-FIVE DAYS OF THE PUBLIC HEARING, THE PLANNING COMMISSION SHALL APPROVE, DENY, OR APPROVE WITH MODIFICATIONS THE PRELIMINARY PLAN. APPEAL FROM THE PLANNING COMMISSION DECISION MAY BE MADE IN THE MANNER SET OUT IN SECTION 2-2-2C. AN approval by the Planning Commission of a project containing residential units shall contain a specific residential density recommendation to THE GOVERNING BODY to be attached to the PD designation unless density has been previously determined."

26. Section 7-5-4C.2 is amended to read as follows:

"2. The Governing Body shall review the DENSITY PROPOSAL AND, UPON APPEAL, THE Preliminary Plat at a public hearing within thirty days of receipt of the Planning Commission recommendation. The Governing Body shall consider the contents of the preliminary submittal, the recommendation of the Commission, and shall then approve, deny, or approve with modifications within thirty days of the hearing. The Governing Body shall set the specific density. The approved density shall be attached to the PD designation on the zoning map."

27. Section 7-5-4C.4 is amended to read as follows:

"4. The Department reserves the option to suggest changes in the PD throughout the preliminary review process. If the Preliminary Plan is not approved, the applicant may resubmit an amended Preliminary Plan in accordance with the submittal and processing procedures."

28. Section 7-5-5B.1 is amended to read as follows:

"1. Within sixty 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 APPROVE, DENY, OR REQUIRE CHANGES TO THE FINAL PLAN AND/OR PLAT within thirty days of its hearing. APPEAL FROM THE DECISION OF THE PLANNING COMMISSION MAY BE MADE IN ACCORDANCE WITH THE PROVISIONS OF SECTION 2-2-2C.3."

29. Section 7-5-5B.2 is amended to read as follows:

"2. UPON APPEAL, the Governing Body shall review the plan and Planning Commission recommendation at a regular meeting. The Governing Body shall approve, deny or require changes to the final plan and/or plat within thirty days of its hearing."

30. Section 7-5-5B.5 is amended to read as follows:

"5. 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 recorded Final Development Plan. If the time limit established by the final development schedule has passed, THE REQUIREMENTS OF 7-5-5 SHALL BE MET PRIOR TO ISSUANCE OF ANY BUILDING PERMITS."

31. Section 7-5-6B is amended to read as follows:

"B. All other changes and any changes in the approved final plat shall be made by the PLANNING COMMISSION OR, UPON APPEAL, THE Governing Body by submittal or a revised final plan and/or plat. 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 plat was approved, 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."

32. Section 5-10-3A and B are amended to read as follows:

"A. Agricultural animals in the Public Zone AND RSF-R SHALL BE FREE OF THE PROVISIONS OF THIS SECTION 5-10-3.

"B. OTHER PLAN IN A ABOVE, agricultural animals shall be allowed ONLY in the RSF-4 zone AND SUBJECT to the following provisions:

1. All animals kept on a parcel shall be fenced no closer than 100 feet to a residence on an adjoining property UNLESS WRITTEN PERMISSION FOR A LESSER DISTANCE IS OBTAINED FROM THE AFFECTED PROPERTY OWNER. IN NO CASE SHALL THIS DISTANCE BE LESS THAN 20 FEET.

2. In a platted subdivision a maximum of one large agricultural animal shall be allowed per acre of land.

3. On unplatted parcels a maximum of one large agricultural animal shall be allowed per 1/2 acre of land."

33. Section 5-10-4 is amended to read as follows:

"5-10-4 Household Pets (SEE DEFINITIONS)

A. In all zones a maximum of three adult household pets, per species, shall be allowed.

B. The requirements of A above shall not apply to those small pets

normally kept within a residence such as fish, small birds, rodents, reptiles, etc.

C. Small animals NORMALLY kept confined in cages or pens outside the residence (DOMESTIC FOWL, RABBITS, ETC.) shall BE KEPT NO CLOSER THAN 20 FEET FROM A RESIDENCE ON AN ADJOINING PROPERTY UNLESS WRITTEN PERMISSION FOR A LESSER DISTANCE IS OBTAINED FROM THE AFFECTED PROPERTY OWNER. THE REQUIREMENTS OF A ABOVE SHALL NOT APPLY TO ANIMALS FALLING UNDER THIS PARAGRAPH.

D. Large agricultural animals kept for personal use and enjoyment (horses, burros, goats, etc.) shall meet the requirements of both 5-10-3 and 5-10-4."

PASSED and ADOPTED this 2nd day of July, 1986.

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President of the Council

Attest:

Neva B. Lockhart, CMC

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City Clerk

I HEREBY CERTIFY that the foregoing ordinance, being Ordinance No. 2295, 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 4th day of June, 1986, 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 17th day of July, 1986.

Neva B. Lockhart, CMC

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Neva B. Lockhart, CMC  
City Clerk

Published: June 6, 1986

Published: July 4, 1986

Effective: August 5, 1986