

ORDINANCE NO. 2595

AMENDING SECTION 4-9 OF THE CITY OF GRAND JUNCTION ZONING AND DEVELOPMENT CODE

RECITALS.

This text amendment clarifies current language in the code. It allows existing single family residential in the Highway Oriented zone the opinion to rebuild if destroyed greater than fifty percent of market value provided that the work is commenced within one year from the date of damage and completed within one year thereafter. It will allow non-conforming residential uses which have been unoccupied for a period of one year or more to remain a residential use except when the residential use has been previously changed to a nonresidential use. It shall consider non-conforming mobile home/manufactured home pads or foundations that have previously housed a mobile home/manufactured home and are vacant for one year or longer as an abandonment of the mobile home or manufactured home use.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GRAND JUNCTION:

That the Grand Junction Zoning and Development Code be amended as follows:

1. Amend Section 4-9-1.C. to read as follows:

This section shall not prohibit normal maintenance nor minor repair of a non-conforming use. Minor repairs shall be defined as repairs that are nonstructural in nature. A non-conforming use damaged to less than fifty percent of its fair market value may be restored but shall comply with applicable fire and building codes, provided that the work is commenced within one year from the date of damage and completed within one year thereafter. If damage exceeds fifty percent of market value, restoration shall not be permitted unless the restoration results in a use conforming to all requirements of this code except as provided in section 4-9-1.F; and

2. Amend Section 4-9-1.E. to read as follows:

Whenever a non-conforming use has been discontinued for a period of one year or longer, such use or any other non-conforming use shall not be reestablished but shall be conclusively deemed to be abandoned, and any further use on the property shall be in conformance with the provisions of this code. Evidence of intent to abandon the non-conforming use is not required. A non-conforming residential use which has been unoccupied for a period of one year or more shall not be considered discontinued unless the structure has been changed to a nonresidential use. No such nonconforming residential use shall be allowed to increase the number of dwelling units without complying to the provisions of

this code.

3. Amend Section 4-9-1 by adding a paragraph F. to read as follows:

A single family residence in the Highway Oriented zone that has been destroyed by more than fifty percent of market value may be restored but shall comply with applicable Fire and Building codes provided that the work is commenced within one year from the date of the damage, completed within one year thereafter and the residence is not expanded in area (see also section 4-9-3.B).

4. Amend Section 4-9-1 by adding a paragraph G. to read as follows:

A non-conforming Mobile Home or Manufactured Home not in a mobile home park that has been removed from its foundation or pad for a period of one year shall constitute abandonment of the mobile home or manufactured housing use and must comply with the provisions of this code. Evidence of intent to abandon the non-conforming mobile home or manufactured home use is not required.

INTRODUCED FOR FIRST READING THIS 19th day of August, 1992.

PASSED AND ADOPTED THIS 2nd day of September, 1992.

Attest:

NAME

President of the Council

Theresa F. Martinez

Acting City Clerk

I HEREBY CERTIFY that the foregoing ordinance, being Ordinance No. 2595, 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 19th day of August, 1992, 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 3rd day of September, 1992.

Theresa F. Martinez

Theresa F. Martinez, CMC
Acting City Clerk

Published: August 21, 1992
Published: September 4, 1992

Effective: October 4, 1992