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File TAC-1996-001.7

Name: Text Amendment - Church Code

P S A few items are denoted with an asterisk (*), which means they are to be scanned for permanent record on the ISYS
r e retrieval system. In some instances, items are found on the list but are not present in the scanned electronic development
s a file because they are already scanned elsewhere on the system. These scanned documents are denoted with (**) and will
n e be found on the ISYS query system in their designated categories.
n d Documents specific to certain files, not found in the standard checklist materials, are listed at the bottom of the page.
t d Remaining items, (not selected for scanning), will be listed and marked present. This index can serve as a quick guide for
the contents of each file.

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DOCUMENT DESCRIPTION:

X		City code surveys for Wheatridge, Boulder, Littleton, Phoenix, Mesa Co., Cabarras County NC, Portland OR, Raleigh, NC, Pasadena CA, Daytona Beach, Indian River Couty, FL, Baltimore County, MD, Belleville, WA	X	X	Daily Sentinel Article – Various Newspaper Articles
X		Zoning and Planning Law Report	X	X	Planning Commission Minutes – 5/14/96, 6/4/96 - **
X		Pamphlet – Not in my Back Yard – by Lyle E. Schaller	X	X	City Council Minutes – 5/15/96, 6/5/96 - **
X		Zoning Report – How to Reduce the Incompatibility of Accessory Uses of Churches	X	X	Inside the City of Grand Junction
X		Zoning News – 11/91, 5/93	X	X	Ordinance No. 2927 –**
X		Zoning of Religious and Educational Uses – BY Mark S. Dennison – 6/90	X		Legal Column - by Alex Iskenderian
X		Reference Packet – 4/5/84	X		E-mails
X		Technical Committee Report – City of Redmond	X	X	GJ Ministerial Alliance Mailing List
X	X	Correspondence			
X					

To: Bill Nebeker

David C. Graham
Grand Junction City Councilman
1625 Walnut Avenue
Grand Junction, Colorado 81501
(970) 245-3995

RECEIVED GRAND JUNCTION
PLANNING DEPARTMENT
NOV 20 REC'D

November 14, 1995

Daniel A. Wilkenson, Pastor
Liberty Baptist Church
448 S. Camp Road
Grand Junction, Colorado 81503

Dear Mr. Wilkenson:

Thank you for your letter of November 9, 1995. It was an important reminder that I have been remiss in responding to your July 25, 1995 letter for an unacceptably long time. I apologize for keeping you waiting for a response.

Frankly, sir, I was hoping that I might increase my wherewithal of the Grand Junction City Zoning and Development Code before confronting the unique challenge of your request for the creation of new zoning criteria for churches. Also, I was hoping for more direction from the City Attorney, Mr. Wilson, with whom I presumed you had already been in communication.

To answer what I take to be your principal question, I am prepared to direct Mr. David Varley, Assistant City Manager, to place your request on the first regular City Council meeting in December. You would probably be required to finalize the details of your presentation, and provide a draft of a proposed ordinance. However, if you wish, I will do my utmost to see that the City Council has the duty to review and vote on your proposal as soon as practicable.

Having kept you waiting so long for this letter, I would be truly unkind if I did not share with you my candid observations on the merits of your proposal. With the understanding that I do not purport to give legal advice, I note several serious problems with your proposed changes to the code.

In the first place, your proposed changes "C" "D" "E" and "K" to section 4-4-1 ("Rezone") would take what is written as the most general statement defining the "what" "when" and "by whom" of rezoning and render it utterly overgrown with extraneous statements about the utility of churches. Furthermore, your suggested changes to "A" would arguably render it impossible for the Planning Commission or the City Council to deny any request for a rezone to a church, anywhere within the city. This I apprehend to be your principal purpose, and I note that it renders the additional changes you suggest somewhat superfluous. Therefore, in a sense it doesn't matter that your additional suggestions concerning section 4.3.4 (Residential Matrix), section 4.3.4 (Non-Residential Matrix) and 4.8.2 (Conditional Use Matrix) submerge the entirety of the city's land use jurisprudence into a regime expressly favoring churches.

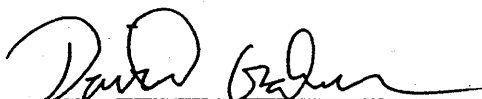
The question then is this: Shall we have a Zoning and Development Code that not only extols the virtues and utility of churches above all other land uses, but also creates a specially-privileged class of land use that is paramount in right over all other land uses? I humbly assert that such a regime would create an unconstitutional "special immunity and privilege." (See, Colorado Constitution, Art. II, Sec. 11.) The implications of such a change as an abrogation of the constitutional principal of the separation of church and state (See Colorado Constitution, Art. II, Sec. 4, U.S. Constitution, Article I, Amendments) is also manifest.

I hope you will believe me when I assure you that I am frequently amazed and vexed by the degree to which the city's land use regulation impinges upon the most basic liberties and rights of private citizens. I also pray you will accept my expression of deepest respect for the rights of free assembly and freedom of conscience which are our common legacy. However, I cannot countenance the complete derogation of the city's home rule prerogative for the sake of either freedom of assembly or freedom of conscience. There is also a practical side to the issue: Where sizable numbers of people assemble, whether to work, to shop, or to worship, their presence is noted, whether it is pleasing in the eyes and ears of the observer or not. Not to put too fine a point on it, but what is at stake here is neither an endorsement nor a condemnation of churches, but issues about traffic, parking, and noise. This is particularly true in residential communities.

As a final consideration, I would like to suggest a possible alternative to a straight City Council vote on your proposal. Under the city charter, you may obtain enough signatures of registered electors on a petition to force the City Council to vote on a proposed ordinance. See, Article XVI, Charter of the City of Grand Junction. If you can obtain signatures from registered electors totalling as little as five percent of the number of registered electors who voted in certain previous elections, you can place the issue directly on the ballot of a general or municipal election as well. I respectfully point out that obtaining such signatures is the most logical means of mobilizing popular support for your cause. It might also allow for more input to address what I have identified as problems of your proposal. It would require a serious commitment of your time and energy, but I can tell you from personal experience that circulating a petition is one of the most rewarding ways of truly reaching out to the people in your neighborhood. I can help you to obtain more information on the petition process if you wish.

With that much said, I apologize for having compounded my tardiness with wordiness, but I hope that I have made my position clear. I welcome you to contact me if I can be of further service.

Respectfully,



David C. Graham

cc. City Council



"... where the Spirit of the Lord is, there is liberty. . ." II Corinthians 3:17

original Mayor
copy Don W
John S
Larry T
Date 11/15/95
11/16/95
dr

November 9, 1995

Councilman Mayor Ron Maupin
250 North 5th
Grand Junction, CO 81501

Dear Councilman Maupin,

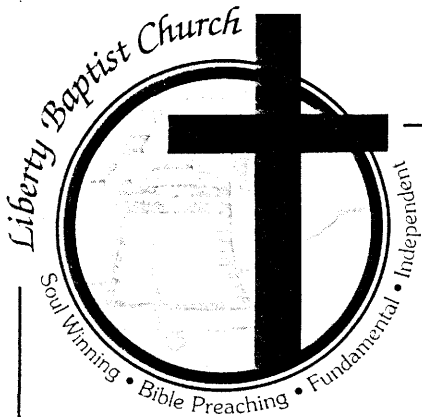
In my letter of July 25, 1995, I enclosed a reasonable proposal that I believe would work well for the city regarding church zoning. It is essentially the same as it is in the county. The county has had no problem with it's zoning in the many years that it has been working with churches in this community.

It is unacceptable to leave important constitutional freedoms subject to the whim of a public hearing process. Please understand I am not talking about issues related to building, public health, and safety or related issues. We are talking about needing a public hearing after all these other issues are addressed in order to have a church anywhere within the city of Grand Junction. This is unacceptable. It ought to be changed.

There ought to be some place within the city where a church could go by right as an allowed use. And the changes I gave you would make the annexation of churches go much more smoothly. I believe without it annexation will be a much more needlessly messy process. Thanks for your kind consideration and please let me know when this might be scheduled for a hearing and vote.

Sincerely,

Daniel A. Wilkenson
Daniel A. Wilkenson, Pastor



"... where the Spirit of the Lord is, there is liberty. ..." II Corinthians 3:17

November 18, 1995

Mayor Pro. Tem. Linda Afman
250 North 5th
Grand Junction, CO 81501

Dear Mayor Pro. Tem. Afman,

In my letters of July 25, 1995, and November 9, 1995, I emphasized the need to address the city policies on church zoning. And I thank you so much for your call. I started this process by attempting to work in some reasonable changes with the staff. But they expressed that they did not see the need, and had no desire to change the zoning policies. I let them know, at that time, of my desire to work with them to bring about reasonable changes. I also let them know of my intent to address the issue and hoped to include their input. I received none.

It was then that I developed the enclosed changes. They have been reviewed by the attorney for the American Association of Christian Schools, a man by the name of Steve Cummings. He was well qualified to review this. He worked on much of the annexation that has been done for the city of Atlanta, Georgia. And he currently reviews all of the federal legislation that will impact Christian Schools. It was also reviewed by a man in our church who works on the county planning commission. It is a workable and reasonable plan. It could be acted on by the council as it reads. And if there are any changes to it, I would like a chance to review them prior to a hearing. Please find another copy of my proposal enclosed. And thank you again for your help and concern. I really feel that the council is being stone walled by the staff. This is not all that complex. The work has already been done.

Linda, without these changes, churches that the city annexes and happen to end up in some non-residential zones may even end up in the special use category. There are churches that will no doubt fall into this category



"... where the Spirit of the Lord is, there is liberty..." II Corinthians 3:17

in the county. Special permits are usually under an annual review. And this will prove to be a real political problem for the council, as churches will be the subject of annual review at public hearings. This is especially true when some of these churches have been operating by "right" for many years.

Sincerely,

Daniel A. Wilkenson

Daniel A. Wilkenson, Pastor

c.c. Reford Theobald
Jim Baughman

City of Grand Junction Zoning and Development Code

Request:

To adopt by City Ordinance a revision of the City of Grand Junction Zoning and Development Code to include amendments that grant Churches a use by right (e.g. Allowed Use) in specified City Zones.

Introduction:

Churches are an integral part of our community and social fabric. As an established and suitable use of the land many churches comply with the general tenets of the City Zoning Districts:

- 1) Churches are an appropriate use of land throughout the City:
(Code Section 4•1•1•A)
- 2) Churches conserve and enhance economic, social, and aesthetic values:
(Code Section 4•1•1•C)
- 3) Churches protect and maintain the integrity and character of established neighborhoods:
(Code Section 4•1•1•D)
- 4) Churches facilitate adequate provision of a public/quasi-public facilities and services:
(Code Section 4•1•1•E)
- 5) Churches aid in the promotion of public health, safety, and welfare.
(Code Section 4•1•1•K)

The requested amendments to the Grand Junction Zoning and Development Code are in response to the City's position that a *Church* is a regulated land use (e.g. Special or Conditional Use) rather than a use by right (e.g. Allowed Use). As City boundaries continue to expand existing churches, which currently enjoy protected land use rights under Mesa County zoning, will be forced into a position of non-conformance with current City zoning regulations.

As a result each church must enter into a public hearing process, by compulsion of non-conformance, to obtain a Special or Conditional Use Permit. This process effectively *removes* their land use rights *to continue* their operation. It is entered into each and every time the Special or Conditional Use Permit is modified causing increased development costs and unnecessary delays for a Church attempting to adapt or expand its role to meet community needs.

The Special or Conditional Use Permit for a Church use serves no purpose in the protection of public health, safety, and welfare that has not already been addressed in the planning clearance and building permitting processes. It is a redundancy in the City Code that creates it's own zoning violations during annexations; it wastes time and money for the land owner, City planning staff and Planning Commission; and it fosters resentment toward the City by those being annexed. *This portion of the Code requires amendment.*

Purpose and benefits:

The purpose and benefits of the requested amendments to the City of Grand Junction Zoning and Development Code are:

- 1) To preserve a Churches land use rights as currently protected under Mesa County Land Development regulations to operate as a use by right
- 2) To amend the City of Grand Junction Zoning and Development Code to reflect a Church as an allowed use (e.g. Use by right)
- 3) To help facilitate a smoother transition of Church land uses between Mesa County zoning jurisdiction and that of the City of Grand Junction during the annexation process.

The sections of the City of Grand Junction Zoning and Development Code that are effected by the requested amendments are as follows:

Section 4•3•4: Use/Zone Matrix Residential Zone Districts
Section 4•3•4: Use/Zone Matrix Non-residential Zone Districts
Section 4•8•2: Specific Criteria Matrix for Special or Conditional Uses

Code Amendments:

Section 4•3•4: Use/Zone Matrix Residential Zone Districts

Existing language

Section 4•3•4: Use/Zone Matrix Residential Zone Districts indicates Churches as an "S" Special Use or "C" Conditional Use for all residential zones.

Amended language

Amend Section 4•3•4: Use/Zone Matrix Residential Zone Districts to indicate Churches as an "A" Allowed Use for all residential zones.

Section 4•3•4: Use/Zone Matrix Non-residential Zone Districts

Existing language

Section 4•3•4: Use/Zone Matrix Non-residential Zone Districts indicates Churches as an "S" Special Use in B-1, B-3, C-1 zones.

Amended language

Amend Section 4•3•4: Use/Zone Matrix Non-residential Zone Districts to indicate Churches as an "A" Allowed Use in B-1, B-2, B-3, C-1, I-1, H.O., and PZ zones.

Section 4•8•2: Specific or Conditional Use Criteria Matrix

Existing language

Section 4•8•2: Specific Criteria Matrix for Special or Conditional Uses, first row, first word, lists the term "Churches" as an "S" Special or "C" Conditional Use.

Amended language

Amend Section 4•8•2: Specific Criteria Matrix for Special or Conditional Uses to **delete** the term "Churches" from the matrix.

6J MINISTERIAL ALLIANCE MAILING LIST

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GRAND JUNCTION, CO 81506

CHUCK JEROME
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FRUITA, CO 81521

LELAND GRIFFIN
628 MELODY LN
GRAND JUNCTION, CO 81506

RAY CHENNY
582 EAST VALLEY
GRAND JUNCTION, CO 81504

COSMICOS MAILING LIST

Joy Eisenhower & Tim Thies
American Lutheran Church
1350 N. 7th St.
Grand Junction, CO 80501

Dan Dudley
Church of God
755 N 4th
Grand Junction, CO 81501

Richard Sigafos
Church of the Nativity, Episcopal
2175 Broadway
Grand Junction, CO 81503

Doug McKee
Crossroads United Methodist
599 30Road
Grand Junction, CO 81504

Roland Taylor
First Baptist Church
720 Grand
Grand Junction, CO 81501

Vernon Black
First Christian Church
1326 N. 1st St.
Grand Junction, CO 81501

Rick Riddoch
First Congregational Church
1425 N. 5th St.
Grand Junction, CO 81501

Mary Hammond Atkinson
First Presbyterian Church
3940 27 1/2 Rd.
Grand Junction, CO 81506

John & Jean Foreman
First United Methodist Church
522 White Ave
Grand Junction, CO 81501

Alice Riemer-McKee
Fruita United Methodist Church
405 East Aspen
Fruita, CO 81521

Jim Plough
Immaculate Heart of Mary Catholic
Church
776 Bookcliff Ave

Charlotte Fogarty
Immaculate Heart of Mary Catholic
Church
776 Bookcliff Ave

Karen Calderon
Koinonia
730 25 Rd.
Grand Junction, CO 81505

Mark Harris
New Horizons Foursquare Church
641 Horizon Drive
Grand Junction, CO 81506

Sr. Kathy Lentsch
Newman Center
1135 College Pl.
Grand Junction, CO 81501

OHR SHALOM
P.O. Box 1311
Grand Junction, CO 81502

Cynthia Flaksman
OHR SHALOM
2554 I Road
Grand Junction, CO 81505

Paul Been
P.O.Box 60307
Grand Junction, CO 81506

Scott Hood
Redlands United Methodist
527 Village Way
Grand Junction, CO 81503

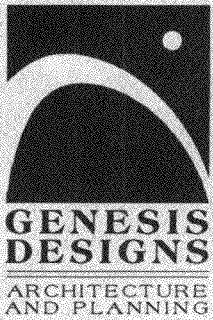
Sr. Barbara Piotrowski
Sacred Heart Catholic Church
513 E. Aspen
Fruita, CO 81521

Ron Powers
Shepherd of the Valley, Lutheran
3133 F. Road
Grand Junction, CO 81504

John Costanza
St. Joseph's Catholic Church
P.O.Box 246
Grand Junction, CO 81502

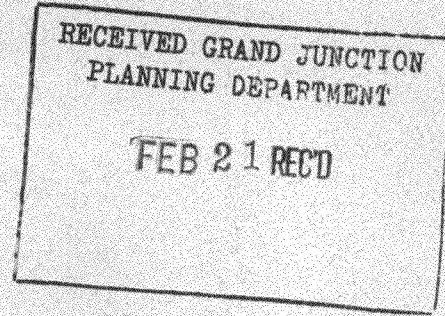
Bev Goodrich
St. Joseph's Catholic Church
P.O.Box 246
Grand Junction, CO 81502

Stan Wright
St. Matthews Episcopal Church
P.O.Box 776
Grand Junction, CO 81502



20 February 1996

City of Grand Junction
William Nebeker, Senior Planner
250 North 5th Street
Grand Junction, Colorado
81501



Dear Bill:

I appreciated the City's interest and participation in the discussions surrounding Church land use rights within City zones as presented during the breakfast meeting last Thursday with the Ministerial Alliance. Protection of Church land use rights is a matter of vital interest to local ministries regarding their development and growth.

It is my desire to foster a good working relationship with you (the City) in the resolution of this matter and I am willing to work with you toward a reasonable solution that will address your concerns for mitigation of development impacts posed by churches while preserving individual church land use rights.

As I mentioned during my address to the Alliance I believe that the City Land Development Code as it is written poses a viable threat to churches and their land use rights and I believe there is an inconsistency in the process that the City uses to interpret Uses by Right because of other allowed uses with farther reaching social and physical impacts than those found with a commonly understood church use. There is no zone within the City where a church is an allowed use. Neither a Special or Conditional Use is a "Use by Right"¹

Obvious examples of this inconsistent determination of Uses by Right are; Cemeteries as an allowed use in most any zone City wide; Museums, Art Centers and Libraries as allowed uses in medium to high density residential zones and most of the non-residential zones; and Clinics (including abortion clinics), Pool Halls, and Adult Entertainment Establishments as allowed uses within many of the non-residential zones.² It takes no leap in logic to recognize the comparative social and physical impacts such uses have within a community with respect to those of a commonly understood church use and yet somehow a church use has no consideration by the City as a Use by Right. Why not? If the term "Church" were replaced with the term "Woman" or "Black" would not the City be regarded as discriminatory in its practice of determining land uses by right?

I think you will agree with me that the impacts posed by any use including those aforementioned are already covered by the following Code provisions:

- Bulk requirements: Code Section 4-2
- Rezoning: Code Section 4-4
- Temporary Uses and Structures: Code Section 4-13
- Site Plan Reviews: Code Section 4-14^{3**}
- Performance Stds.: Code Section 5-1
- Streets: Code Section 5-3

¹ G.J. Zoning and Development Code 4-5-1, 4-6-1.
² G.J. Zoning and Development Code 4-3-4 Use/Zone Matrix.
^{3**} includes parking lots, grading, excavation, drainage, water, sewer, traffic, conformance w/ Comp. Plan etc.

THE STONE
ARCHES OF THE
AMERICAN
SOUTHWEST
DESERT ARE THE
ARTFORMS OF
AN OMNIPOTENT
MIND,
AN
ARCHITECTURE
CRAFTED BY THE
HANDS OF
NATURE.

THEY DEFINE
FOR US A PLACE
IN THE DESERT,
MONUMENTS IN
THE LANDSCAPE
REPRESENTING
OUR
ASPIRATIONS
AND TRIUMPHS.

IF
A MAN-MADE
ENVIRONMENT
WERE ABLE TO
TRANSCEND
MERE BUILDING
AND
TAKE ON
THE ENDURING
QUALITIES OF
MEANING AND
PLACE -
THEN
IT, LIKE AN ARCH
IN THE DESERT,
HAS BECOME A
WORK OF
ARCHITECTURE.

M. E. M.

Design Standards: Code Section 5-4
Parking and Loading: Code Section 5-5
Sign regulation: Code Section 5-7
Etc., etc.

Assigning a special or conditional use to a quasi-public entity such as a church opens them to threatening outside influences which they are otherwise insulated from as an allowed use. Real and viable forms of these threats are the misuse of government planning authority to restrict or eliminate non-conforming church uses over time⁴, the misuse of government planning authority in determining a lack of a perceived need for a church within a community⁵, the opportunity for abuse of the public hearing process by special interest groups opposed to a churches agenda⁶, and the opportunity for abuse of authority by review agencies⁷.

The solution we proposed last July has a three fold benefit to the City and to church uses:

1. It does not significantly reduce the authority of the City Planning Staff to mitigate social and physical impacts posed by church uses in any zone.⁸
2. It allows churches to provide for their ministry needs within the community without outside interference as an allowed use.
3. It will help to facilitate a smoother transition of church properties being annexed into the City.

The proposal addressed removing Code redundancies created by Special and Conditional Use provisions that are already covered by the Site Plan Review/Clearance process, by the Building Permitting process, and items under the jurisdiction of the Health Department.

We asked for an amendment to the Code that would:

1. Amend Section 4-3-4: Use/Zone Matrix Residential Zone Districts to indicate Churches as an "A" Allowed Use for all residential zones.
2. Amend Section 4-3-4: Use/Zone Matrix Non-residential Zone Districts to indicate Churches as an "A" Allowed Use in B-1, B-2, B-3, C-1, I-1, and H.O. zones.
3. Amend Section 4-8-2: Specific Criteria Matrix for Special or Conditional Uses to **delete** the term "Churches" from the matrix.

I firmly believe that these changes to the City Zoning and Development Code are necessary and urgently require your attention. The threats posed to church development and growth are real, viable and affect an estimated 12 to 20 percent of the Grand Valley population. I hope you will agree that the solution posed is a workable solution for both the City and the Churches and that we can count on your support in making these necessary Code changes.

Please find the enclosed requested material.

Sincerely,


Marc E. Maurer, M.Arch., NCARB

President/Architect

Copy: File

⁴ Colorado Land Planning and Development Law, 4th Ed., 1992, pg 67.

⁵ G.J. Zoning and Development Code 4-8-2 Specific Criteria Matrix, Line 14.

⁶ G.J. Zoning and Development Code 4-6-2-D.

⁷ G.J. Zoning and Development Code 4-5-2-B.

⁸ G.J. Zoning and Development Code 4-14, 5-1, 5-3, 5-4, 5-5, 5-7, etc.

City of Grand Junction Zoning and Development Code

Request:

To adopt by City Ordinance a revision of the City of Grand Junction Zoning and Development Code to include amendments that grant Churches a use by right (e.g. Allowed Use) in specified City Zones.

Introduction:

Churches are an integral part of our community and social fabric. As an established and suitable use of the land many churches comply with the general tenets of the City Zoning Districts:

- 1) Churches are an appropriate use of land throughout the City;
(Code Section 4•1•1•A)
- 2) Churches conserve and enhance economic, social, and aesthetic values;
(Code Section 4•1•1•C)
- 3) Churches protect and maintain the integrity and character of established neighborhoods;
(Code Section 4•1•1•D)
- 4) Churches facilitate adequate provision of a public/quasi-public facilities and services;
(Code Section 4•1•1•E)
- 5) Churches aid in the promotion of public health, safety, and welfare.
(Code Section 4•1•1•K)

The requested amendments to the Grand Junction Zoning and Development Code are in response to the City's position that a *Church* is a regulated land use (e.g. Special or Conditional Use) rather than a use by right (e.g. Allowed Use). As City boundaries continue to expand existing churches, which currently enjoy protected land use rights under Mesa County zoning, will be forced into a position of non-conformance with current City zoning regulations.

As a result each church must enter into a public hearing process, by compulsion of non-conformance, to obtain a Special or Conditional Use Permit. This process effectively *removes* their land use rights *to continue* their operation. It is entered into each and every time the Special or Conditional Use Permit is modified causing increased development costs and unnecessary delays for a Church attempting to adapt or expand its role to meet community needs.

The Special or Conditional Use Permit for a Church use serves no purpose in the protection of public health, safety, and welfare that has not already been addressed in the planning clearance and building permitting processes. It is a redundancy in the City Code that creates it's own zoning violations during annexations; it wastes time and money for the land owner, City planning staff and Planning Commission; and it fosters resentment toward the City by those being annexed. *This portion of the Code requires amendment.*

Purpose and benefits:

The purpose and benefits of the requested amendments to the City of Grand Junction Zoning and Development Code are:

- 1) To preserve a Churches land use rights as currently protected under Mesa County Land Development regulations to operate as a use by right
- 2) To amend the City of Grand Junction Zoning and Development Code to reflect a Church as an allowed use (e.g. Use by right)
- 3) To help facilitate a smoother transition of Church land uses between Mesa County zoning jurisdiction and that of the City of Grand Junction during the annexation process.

Effected Code Sections:

The sections of the City of Grand Junction Zoning and Development Code that are effected by the requested amendments are as follows:

Section 4•3•4: Use/Zone Matrix Residential Zone Districts

Section 4•3•4: Use/Zone Matrix Non-residential Zone Districts

Section 4•8•2: Specific Criteria Matrix for Special or Conditional Uses

Code Amendments:

Section 4•3•4: Use/Zone Matrix Residential Zone Districts

Existing language

Section 4•3•4: Use/Zone Matrix Residential Zone Districts indicates Churches as an “S” Special Use or “C” Conditional Use for all residential zones.

Amended language

Amend Section 4•3•4: Use/Zone Matrix Residential Zone Districts to indicate Churches as an “A” Allowed Use for all residential zones.

Section 4•3•4: Use/Zone Matrix Non-residential Zone Districts

Existing language

Section 4•3•4: Use/Zone Matrix Non-residential Zone Districts indicates Churches as an “S” Special Use in B-1, B-3, C-1 zones.

Amended language

Amend Section 4•3•4: Use/Zone Matrix Non-residential Zone Districts to indicate Churches as an “A” Allowed Use in B-1, B-2, B-3, C-1, I-1, H.O., and ~~PZ~~ zones.

Section 4•8•2: Specific or Conditional Use Criteria Matrix

Existing language

Section 4•8•2: Specific Criteria Matrix for Special or Conditional Uses, first row, first word, lists the term “Churches” as an “S” Special or “C” Conditional Use.

Amended language

Amend Section 4•8•2: Specific Criteria Matrix for Special or Conditional Uses to **delete** the term “Churches” from the matrix.

OPTION: 5 Your preference

	Allowed Use	Allowed Use with Standards	Special Use	Conditional Use	Prohibited Use
ZONES					
Single Family Residential low density RSF-R, RSF-1	X				
medium density RSF-2, RSF-4 RSF-5, RSF-8	X				
Multi-Family Residential all zones RMF-16, RMF-32 RMF-64	X				
Nonresidential commercial zones B-1, B-3 C-1, C-2, H.O.	X				
misc. zones B-2, P, PZ I-1, I-2	X				

Reasons for this option:

SEE ATTACHED LETTER

Submitted by *Maureen M. Murray* Telephone # *245 6093*

OPTION: 5 Your preference

ZONES	Allowed Use	Allowed Use with Standards	Special Use	Conditional Use	Prohibited Use
Single Family Residential low density RSF-R, RSF-1	X				
medium density RSF-2, RSF-4 RSF-5, RSF-8	X				
Multi-Family Residential all zones RMF-16, RMF-32 RMF-64	X				
Nonresidential commercial zones B-1, B-3 C-1, C-2, H.O.	X				
misc. zones B-2, P, PZ I-1, I-2	X				

RECEIVED GRAND JUNCTION
PLANNING DEPARTMENT

FEB 27 1990

Reasons for this option:

I don't see why a church needs to be kept out of any zoning. The only detrimental affect a church might possibly have is traffic and that can be controlled by means other than zoning laws. Parking, landscaping, building height and traffic control standards can all be handled through the building permit process.

Submitted by Mark Harris Telephone # 243-2484

FEB-25-96 SUN 07:37 AM CROSSROADS UM CHURCH MOD 970 241 6919 P.01

OPTION: 5 Your preference

ZONES	Allowed Use	Allowed Use with Standards	Special Use	Conditional Use	Prohibited Use
Single Family Residential low density RSF-R, RSF-1			X		
medium density RSF-2, RSF-4 RSF-5, RSF-8				X	
Multi-Family Residential all zones RMF-16, RMF-32 RMF-64			X		
Nonresidential commercial zones H-1, B-3 C-1, C-2, H.O.	X				
misc. zones B-2, P, PZ I-1, I-2					X

To: Bill Nebeker

RECEIVED GRAND JUNCTION
PLANNING DEPARTMENT
FEB 26 1996

Reasons for this option:

It seems to me that the present system works very well for residential areas, but that there is no need to have any restrictions on church buildings in the nonresidential commercial zones. This compromise would assure compatibility with all residential neighborhoods, and would prevent overuse of streets and services. This would be done through the review process for Special or Conditional Use. There does not seem to be any good reason for this special review in the commercial zones, where the impact would be similar or less than other uses already allowed.

Submitted by Doug McKee Telephone # 242-0577
Crossroads United Methodist Church

OPTION: 5 Your preference

ZONES	Allowed Use	Allowed Use with Standards	Special Use	Conditional Use	Prohibited Use
Single Family Residential low density RSF-R, RSF-1	X				
medium density RSF-2, RSF-4 RSF-5, RSF-8	X				
Multi-Family Residential all zones RMF-16, RMF-32 RMF-64	X				
Nonresidential commercial zones B-1, B-3 C-1, C-2, H.O.	X				
misc. zones B-2, P, PZ I-1, I-2	X				

FEB 21 REC'D

Reasons for this option: I believe areas of concern are already covered in Site Review & Building process.

Submitted by Pasta B. D. Scroggs Telephone # 241-3210

MAXIMUM SEATING CAPACITY

NE - EVEN

SW - ODD

Churches in Grand Junction:

200, EXP IN 2 YRS TO 500	12,000 LT 4 ACS 12' DEWS 26	Bethel Assembly of God	2945	Orchard	CO	2943-082 243-8247 ✓
300, ADDED 5 YRS AGO , NO PLANNED EXP		Church on the Rock	2170	Broadway A	CO	2947-14 or 23 242-rock ✓
700 ✓ NO EXTENSION	DWNTWN 3 BOXES PERKS ON GRADY B-3	1st Assembly of God	402	Grand	CO	2945-142 243-0731 ✓
		Zion Spanish Assembly of God	2867	Orchard	CO	2943-971 243-0757 MFS

~~Baha I Faith PO Box 2805~~

1250 from 1100 340	2945-154-21-951	Bethel Baptist	502 W.	Colorado	CI	243-7991 MFS
NEW CITIZEN - 1500 TO 2200		Fellowship of Excitement	2897	North Ave	MA A CI RSP-R	2701-321 243-3321 ✓

500 ✓ NO PLANS TO EXT	LIMITED ON SITE PERKING OVERFLOW IN SCHOOL BLDG. LOT ALONG ST. WILL OVER APPROX 1/2 ACRE	1st Baptist Church	720	Grand	A	2945-141 242-5645 ✓
-----------------------	------------------------------------------------------------------------------------------	--------------------	-----	-------	---	------------------------

200, NO PLANS TO EXT	2943-06-958, 953	Grand Mesa Baptist Church	606	28 3/4 Rd	CO A	2943-064 241-7026 ✓
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120, SIGNIFICANT GROWTH PROBABLY MOVE TO ANOTHER SITE	2945-12	Heritage Baptist C	1227 N	23 rd St	MA	2945-131 - CLASING IN SHOPPING CENTER? ON NORTH 23 242-7818 ✓
-------------------------------------------------------	---------	--------------------	--------	---------------------	----	------------------------------------------------------------------

	DAN WILKINSON	Liberty Baptist C	448 S	Camp	MA RSP-4 CI	243-5275
--	---------------	-------------------	-------	------	-------------	----------

		Monument Baptist C	486	23 Rd	PA CO	242-9403 MFS
--	--	--------------------	-----	-------	-------	--------------

- 2945-172
- A - 100
 - B - 2
 - C - 3
 - D - 4
 - E - 5
 - F - 6

2

2701-34-00-952

CALL 2701-343 RSP.R

120, NO PLANS

Koinonia C

730

25 Rd

C

242-3947

✓

90, YES 200-250 SUMMER MEET 2-3 YES

Westgate Free Will Baptist

2155

Broadway PA

523-1480

✓

Bible Baptist

2711

Unawep C

241-5595 NA

100-150 UNKNOWN

Mesa View Baptist C

2876

B Rd

CO C

245-1906 MFS

✓

40 NO PLANS

Pear Park Baptist C & School

3102

E Rd

CO C

434-4113

✓

✓ PARKING ON GRASS NO Y SINGING LOT NO PLANS

BOOKCLIFF CHRISTIAN CHURCH 2945-013
BOOKCLIFF CHURCH

Bookcliff Baptist C

2702

Patterson Rd PA

RSP-8 MEET F 12TH ST

243-9285

✓

Central Baptist C

3198

F Rd

CO

PA

434-7240 NA

1st Southern Baptist C

2710

PA

Patterson

RSP-8

2945-013

650' TO NORTH AVE

Riverside Baptist C

1510 N

17

CITY

241-6822 # DIS

Trinity Baptist C

2748

B 1/2 MA

242-2355

CALL AGND

Clifton Bible Chapel

523

32 Rd

CO PA

434-6047 NA

100 NO PLANS

Orchard Community C

2430

Orchard

244-2958 MFS

✓

250-500

YES PLANS TO EXPAND

Valley Bible Church

646

29 1/2 C

245-0913

✓

SS & STAGE WATER SCHEDULE

CO 2943-054

3

max flow
750-850 NO EXPANSIONS
DAN CONNERS

Bible Missionary C 801 CI RSF-18 2945-141
Gunnison C 245-3511 MES

ST. JOSEPH'S CATHOLIC (B.3) 230 N. 3RD-CHECK 243-0209
Grand Valley Peace & Justice 253 2945-143 White ~~243-4378~~ ✓

480
~~500~~ NO PLANS ON TABLE

Clifton Assembly of God 258 CO CLIFTON CB H21
5th St 434-6907 ✓

SCHOOL TOO PATHERS PLOW RSF-8
AND TO BUS PLS Immaculate Heart of Mary 776 MA

CALL 9-4 2945-111
Bookcliff 7th 242-6121 ~~6121~~ ✓

St Joseph's Catholic (OFFICE) 230 N 3rd 243-0209

2945-124-19-955

Living Stone Christian Fellow 1333 N 23 C CI 256-7012 MES

125 NO PLANS

SPIRIT OF LIFE CHRISTIAN F 2923 CI NEW ANNUNCIATION 2943-172
North Ste 6 PA 243-8312 MES ✓

300 BUY IN 20 ACRES CO
AT 28 1/4 TO 5 F

World Harvest C 2825 C-1 2943182
North PA 245-3755 ✓

150

Appleton Christian C 2510 700 TO 25 RD C WE MILLER 858-7731
I-70 Frontage 242-7380 MES ✓

375 NO GAP PLANS

Clifton Christian C 615 BOTH I-70 bus loop PA 434-7392 ✓

400 NO PLANS

NE Christian C 2001 MARIE PD 8? CI 2945-121
Patterson PA 243-6672 ✓

80-100 HARDLY ANY NO

Orchard Mesa Christian C 2883 DON MIZHUM 434-1942 3770
Victoria 243-5306 ✓ ←?

400 NO PLANS

1st Christian C (Disciples of 1326 N 1st CI MI 242-7204 ✓

4

EST AT
Nov 22: 0 RSF-2
200+
No

C. W. H. P. 6

River of Alliance

~~2200~~ Broadway MA

241-9692

✓

150 ✓
NO PLANS TO expand

BUILT IN 1920

1st C of Christ Scientist

PR
535 N

7/10/2020 MA

242-0933 MES

✓

Bookcliff Church of Christ

539

28 1/2 C

243-2880 Wren #?

400, NO PLANS

ZICKERTS MEMORIAL - 244-0949 MES

Church of Christ GJ

2893

F ROSIN
PR CO

245-4210

✓

SMALL CHURCH

Valley Church of Christ

491

Sparr

245-5112 MES

?

NO FUTURE
225-250

FROM
325 LIFE CENTER
PLANS TO expand

BONNIE

Sonrise Church of God

483

243-171
30 Rd MA CO

241-3210

✓

150 NO PLANS IN NEXT 20 YRS

2945-142 EWP-32

1st Church of God

755 N

4th

242-2184

✓

Mayes Temple

724

Unawep

?

LDS

2542

G

242-0024 PA

LDS

543

Melody Ln

242-6437

LDS

3076

E 1/2

Randy Booth

LDS

2949

Hwy 50

242-3663

LDS

2235

Kingston

242-1024

ILLUMINATION
5-15

5

SHREVEY

DIAGNOSTIC or JANITOR CB MONTH

Redlands Community C 2327 Broadway 245-9020 MES

300 NO PLANS TO VISIT

12/12/80 ^{with} TOO CROWDED WITH 60 TO 2 SERVICES
1st Congregational C 1425 N 5th C/ 242-0298 ✓

Church of the Nativity 2175 Broadway 245-9606 ~~MES~~ ✓

250-300

CALL FATHER RIGBY 2-12-86

St. Matthew Episcopal 1060 North 242-3293 MES ✓

175-200 2 SERVICES

Evangelical Free C 2840 B 1/2 243-0402 MES ✓

338 (1 FEB 18")

ANDY LOVANCE 523-1140 MES

New Horizons 4 Square 641 Horizon 243-2484 ✓

Victory Chapel 2940 I-70 Bus 245-7988 NA

~~Set Free Ministry Christian Motorecycle 434-4975~~ ^{CURRY}

230-250 NO PLANS

C/ 2945-013 PSF-8

Calvary Bible C 629 27 1/2 242-9121 ✓

SHREWMAN

Vineyard Christian Fellow 2971 North 242-7970 ^{will} CB ✓

Bookcliff Heights (JW) 608 29 241-0486 NA

GJ South Congregation (JW) 1736 Roubideaux 243-8533 NA

6

Monument Valley Cong (JW) 2334 H 241-6979 NA

300, NO PLANS American Lutheran C 1350 N 7 cl 242-7835 ✓
PASTOR
RUBEN TORRES

Shepherd of the Valley Luthera 3133 F 434-3119 MES

500, NO PLANS Lutheran C of Messiah 840 N. cl 2945-141 RUF-64 ✓
11 245-2838

St Paul Evangelical Lutheran 632 26 1/2 243-3626 MES

125, NO PLANS Community Mennonite C 536 29 242-3298 MES ✓
~~256-0920~~

Handy Chapel AME Inc 2 & White

Crossroads United Methodist 599 30 242-0577 BUST

400, NO PLANS 1st United Methodist 522 White 242-4850

Redlands United Methodist 527 Village CO 245-1478 ✓

1st Church of the Nazarene NEC F & 28 (Carl Baker) RSP-4 ✓

175, MEETING IN STORAGE FRONT Calvary Chapel of GJ 492 Morning 243-2579 ✓

600 (720 WITH OVERFLOW) RIVEN RAY Gospel Assembly Church 3164 F CO 434-1078 ✓ CO

PARKING 160

Now
12K-325 WORKING ON EXPANSION

Now
799-02899

7

Small Church

New?

REV LUKE
303 333-7794

MLC Bldg 5 ARCHITECTURE
4 S PARKING
LIMITED PARKING

St Nicholas Greek Orthodox 3585 N 12 242-9590

144 House of Prayer Pentecostal 198 Sunlight 245-7068 MES ✓

Redlands Pentecostal C of G 100 Vista Grande 243-2011 MES

135, OVERFLOW GRASSY PARKING
Lighthouse Christian Center 3506 N. 12TH 12th & Grand? NBC 12: C1 1/2 242-1591 ✓

200 Life Tabernacle DENNIS WEST 636 29 242-9431 MES ✓

NICE Y/SING PAVED PARKING MORE WALK Y/SING MID SIZE CITY BLOCK
1st Presbyterian C 3940 27 1/2 242-1923 MES

135, NO PLANS Covenant Presbyterian C 237 32 CO 434-5683 ✓

150 GUESS SUZIE Religious Science C of GJ 1622 Glenwood CB ministry 242-2043

RLDS 2880 B 1/2 245-0781 MES

Salvation Army 1235 N 4 242-7513 MES

7th Day Adventist 730 Mesa 7TH ST 242-7747 NA
Paved lot - NO Y/SING - OFF 7TH ST

Unitarian Universalist Fell 1425 N 5 242-3151 NA

Unity Center of Light 3205 N 12 243-3550 NA

WESLEYAN C OF THE VALLEY 2935 F 241-8528 MES
Paved parking

STAFF REVIEW - PLANNING COMMISSION REPORT

FILE: TAC-96-1.7
DATE: May 14, 1996
STAFF: Bill Nebeker
REQUEST: Text Amendment
Amend Sections 4-3-4 Use/Zone Matrix; 4-8-2 Specific Criteria Matrix; 5-1-4 Vehicular Traffic Areas; 5-4-15 Landscape Standards; and 5-5-1 Off-Street Parking. Add Section, 5-4-17 Churches in Residential Zones
LOCATION: City Wide
APPLICANT: City of Grand Junction

EXECUTIVE SUMMARY: This text amendment allows churches greater flexibility in locating in the city. It makes churches allowable uses in commercial and business zones and conditional uses in I-1 industrial zones. Churches will remain prohibited in I-2, P and PZ zones. Churches will be allowed as uses by right or with Special Use Permits in all standard residential zones depending upon their size and location. Churches in Planned Residential zones will still require Planning Commission approval per an approved plan. Specific landscaping and setbacks requirements will be required of churches in residential areas. Other sections of the zoning ordinance have been amended to require certain development standards such as paved parking and landscaping for nonresidential uses in residential zones.

STAFF ANALYSIS:

BACKGROUND/HISTORY

Recently, concurrent with increased annexation activity and comparison of City and County zones, concerns been raised over the perceived inequity of churches not being allowed uses in any zone in the City. Staff met with the City Council at a March 4, 1996 Workshop to discuss the need for an amendment to the zoning ordinance to give churches greater flexibility in locating in the city. Staff has also met with the Grand Junction Ministerial Alliance and COSMICOS, two organizations representing area churches. At the City Council Workshop on April 1, 1996, the Council, church representatives and staff agreed upon policy language to allow greater flexibility for churches. This text amendment codifies that policy language.

If the current regulation of churches was perceived as being too stringent, the new amendments are much more lenient. Adoption of the amendments will have four major consequences on the regulation of churches.

- I. No notice to the public for most churches.

In the past where new construction or church expansions required conditional or special use permits - which require public notice, the new amendments eliminate all public notice except for large churches and/or medium sized churches not located on collector or arterial streets in residential areas.

II. Accessory uses have same flexibility as churches.

Accessory uses to churches, e. g. daycare, kindergarten, parochial schools and recreational facilities, would have the same flexibility in locating in residential areas without public notice as churches would. This is the same requirement currently in force, with the only change being that most churches would no longer require Special Use Permits.

III. Standards for churches in residential zones.

Minimum standards would be set for churches locating in residential areas. Such standards includes no parking in the required front yard setback, landscaped setbacks (excluding parking lots), minimum five foot wide landscaped buffers surrounding parking areas, minimum 15' side yard setbacks, and screened trash containers. Currently there are no specific standards that apply only for churches.

IV. Standards for nonresidential uses in single family residential zones.

To date the zoning ordinance excludes paving and landscape requirements for uses in single family residential zones. Where churches and other nonresidential uses locate in these zones, paving and landscaping is a requirement for a Conditional or Special Use Permit. With the elimination of these permits for most churches, the code will be changed to require these standards for churches, as well as other nonresidential uses in single family residential zones.

AMENDMENTS

The following amendments are proposed. Each amendment is followed by a brief description of the rationale for the change.

1. Amend Section 4-3-4 USE/ZONE MATRIX, RESIDENTIAL ZONE DISTRICTS

Designate churches as "A*" (allowed uses) in all residential zones (RSF-R, RSF-1, RSF-2, RSF-4, RSF-5, RSF-8, RMF-16, RMF-32 and RMF-64) with the following note:

Explanations:

*(7) Churches must comply with special requirements in Section 5-4-17. Churches with maximum seating capacity greater than 300 may require Special Use Permits. See Section 5-4-17 for more information.

Rationale: The current ordinance allows churches as Special or Conditional Use Permit in all residential zones. The new amendment will require Special Use Permits for churches only if they exceed seating capacity of 600, or if they exceed seating capacity of 300 and are not located on an arterial or collector street. See #4 below for more information.

2. Amend Section 4-3-4 USE/ZONE MATRIX, NON-RESIDENTIAL ZONE DISTRICTS

Designate churches as "A" (allowed uses) in B-1, B-2, B-3, C-1, C-2, H.O. zones. Designate churches as "C" (conditional uses) in I-1 zones. (Churches will remain prohibited in I-2, P and PZ zones.)

Rationale: The current ordinance allows churches in B-1, B-3, and C-1 zones only, with a Special Use Permit. The new amendment will allow churches in all business and commercial zones as uses by right. The rationale is that churches have no greater an impact on adjacent land uses than most other commercial or business uses. Churches are discouraged from locating in industrial zones because of the conflict between assembly uses and heavy industrial uses. Churches in industrial areas could also prevent adjacent industrial uses from expanding, due to obtrusive impacts on the church. Since some churches may be located in industrial zones in the county, and the intent of this new ordinance is to eliminate nonconforming uses at the time of annexation, churches will be allowed in I-1 zones with a Conditional Use Permit

3. Amend Section 4-8-2 SPECIFIC CRITERIA MATRIX

Delete the following criteria from the matrix as it applies to Churches, Schools, Vo-tech Schools and Boarding Schools.

"Is there a need for the facility on a community-wide basis?"

Rationale: There are no formulas used by staff to measure the amount or location of churches based upon population. Being nonprofit in nature, most churches locate in areas where land is relatively inexpensive and within close proximity to the bulk of their congregations. If left in the zoning ordinance, this criteria could be used negatively to prevent churches from locating in certain areas based on nonlanduse concerns.

4. Add Section 5-4-17 to read as follows:

5-4-17 CHURCHES IN RESIDENTIAL ZONE DISTRICTS

Purpose - This section sets minimum standards for churches in residential zones for new construction and expansions of, or changes to, existing uses. These requirements shall apply at the time of the site plan review process.

For purposes of this section, maximum seating capacity shall be based upon the seating capacity in the largest assembly area. This shall include the rostrum, choir seats, fixed seating and overflow seating areas. Seating capacity is measured as one person per seat or one person per eighteen (18) lineal inches of pew space. See Section 5-5 for parking requirement.

A. Special Use Permit Requirements

1. Churches with a maximum seating capacity up to 300, and churches with a maximum seating capacity of 301 to 600 which are located on a parcel or lot abutting a Principal or Minor Arterial, or Collector street, as identified on the City's Streets Classification Map, are allowed uses in all residential zone districts.
2. Churches with a maximum seating capacity of 301 to 600 require a Special Use Permit if not located on a parcel or lot abutting a Principal or Minor Arterial, or Collector street, as identified on the City's Streets Classification Map.
3. Churches with a maximum seating capacity greater than 600 require a Special Use Permit in all residential zone districts.
4. Notwithstanding 1 through 3 above, churches in Planned Residential zones must comply with the provisions of Chapter 7, Planned Developments and requirements of general applicability as specified in the Zoning and Development Code.
5. Notwithstanding 1 through 4 above, Churches in Airport Critical Zones or Clear Zones must comply with Section 5-11, Land Use Regulation for Land Around Airports.

Rationale: Smaller churches, and medium sized churches located on streets designed for handling larger volumes of traffic create minimal impacts on adjacent land uses. Therefore these uses should be permitted as uses by right. Site plan review is still required. Large churches, and medium sized churches not located on streets designed for handling larger volumes of traffic (local streets) create more

impacts and will require Special Use Permits. Compatibility with the adjacent neighborhood can be achieved through the Special Use Permit process.

Uses in Planned Residential zones are only allowed if included in a plan approved by the City Council at the time of adoption of the planned zone. Churches in Airport Critical zones require Special Use Permits regardless of their size. Churches are prohibited from locating in Airport Clear Zones.

B. Churches in all residential zones shall comply with the following development standards:

1. Parking shall not be allowed in the required front yard setback.

Rationale: Parking for residential uses in residential zones is not permitted in the front yard setback except for single family homes. To maintain the residential character of a neighborhood, no parking should be allowed in the front yard of churches either.

2. The front yard setback shall be landscaped in accordance with Section 5-4-15. This area shall be counted towards the percentage of gross land area to be landscaped in multi-family zones.

Rationale: Most single family homes have landscaped front yards. To maintain the residential character of a neighborhood, the front yards of churches should also be landscaped.

3. A minimum fifteen (15) foot side yard setback, or as required in the zone district, whichever is greater, shall be required for the principal structure. A minimum five (5) foot side yard setback, or as required in the zone district, whichever is greater, shall be required for accessory structures on the rear half of the parcel.

Rationale: Church structures have larger bulk and can be out of character with adjacent residential uses, especially in zones such as RSF-5 and RSF-8 where side yard setbacks are only 5 feet wide. Requiring a minimum 15 foot setback, or greater as each zoning district may require, will provide more aesthetic separation between differing uses.

4. Where parking lots containing fewer than 51 spaces extend into required side and rear yard setbacks abutting a residential use or zone, a minimum five (5) foot wide landscaped area shall be provided along the property line or other appropriate location to minimize glare from lights associated with parking areas onto abutting properties. This area shall be landscaped as follows:

- a. at least one (1) tree for each forty (40) linear feet or fraction thereof.
- b. at least forty (40) percent of the landscaped area shall contain shrubs in accordance with the requirements of Section 5-4-15.

Rationale: Parking lots containing less than 51 spaces have minimal landscaping requirements. A minim landscape buffer should be provided between churches and residential uses

5. Parking lots containing more than 50 spaces shall comply with Section 5-5-1F.2.

Rationale: Parking lots containing more than 50 spaces are already required to install more extensive landscaping as buffers to adjacent properties.

6. Required side and rear yard setbacks adjacent to a property line abutting a residential use or zone, where such setbacks are not encroached upon by a parking lot, shall be landscaped in accordance with Section 5-4-15.

Rationale: Where parking lots do not extend into required setbacks, the setbacks shall be landscaped up to the parking area or the building. This required landscaping is more passive than the landscaping required at the perimeter of a parking area which is intended to be more of a buffer.

7. All trash containers shall be screened by a six (6) foot high sight obscuring fence or wall.

Rationale: Large commercial size trash containers can be offensive if not screened from public view.

8. Churches shall comply with all other applicable requirements of the Zoning and Development Code, the Code of Ordinances and any and all other regulations that may apply. Requirements of Section 5-4-17B may be exceeded for churches requiring Special Use Permits and churches in Planned Residential zones.

Rational: The standards in Section 5-4-17B are minimums. The Special Use Permit process may identify additional or increased standards to lessen the impact of larger churches on adjacent residential neighborhoods.

5. Amend Section 5-1-4 to read as follows:

5-1-4 VEHICULAR TRAFFIC AREAS - All on-site vehicular traffic areas except for single family dwellings shall comply with the following requirements: ...

Rationale: This section formerly read as follows: All on-site vehicular traffic areas except in single family zones shall comply with the following requirements:... This change requires paving of all parking areas except single family homes.

6. Amend Section 5-1-4B (Vehicular Traffic Areas) to read as follows:

B. Such areas shall be screened in order to minimize disturbance to occupants of adjacent residential buildings. Each boundary line directly abutting a residential use or zone shall be screened with any combination of walls, fences, berms, or landscaping, so long as the screen is at least four feet in height and provides year-round screening. Fences and walls shall be subject to provisions of Section 5-1-5 "Fences."

Rationale: This section formerly read as follows: Such areas shall be screened in order to minimize disturbance to occupants of adjacent residential buildings. For each boundary line directly abutting a residential zone or use, a solid wall or fence at least four feet in height shall be erected, subject to the provisions of Section 5-1-5 "Fences." This change gives the option to install a berm or landscaping as long as the same screening effect is maintained. This amendment applies to all parking lots for all uses adjacent to residential uses or zones.

7. Amend Section 5-4-15A to read as follows:

5-4-15 LANDSCAPING STANDARDS

A. For all zones, required landscaping areas shall contain one tree for each increment...

Rationale: This section formerly read as follows: "For all zones except single family, required landscaping areas shall contain..." There are no landscaping requirements in single family zones. This change requires churches locating in single family residential zones to provide landscaping.

8. Amend Section 5-5-1F.1 to read as follows:

5-5-1F.1 Parking Lot Landscaping and Lighting

When a parking facility provides parking spaces for more than fifteen (15) cars but less than fifty-one (51) cars, at least five percent (5%) of the total area of the parking lot shall be used for landscaping. Part of this area may be required to include shade trees.

Rationale: This section formerly read as follows: "When a parking facility provides parking spaces for more than fifteen (15) cars but less than **fifty (50) cars**, at least five percent (5%) of the total area of the parking lot shall be used for landscaping. Part of this area may be required to include shade trees." This section as currently written excludes landscaping requirements for parking lots with exactly 50 spaces.

Non-Ordinance Amendments

In addition to these ordinance changes the following policy change has been made. Churches needing Special or Conditional Use Permits upon annexation will be granted such upon annexation. See attached memo from Larry Timm to the Planning Commission dated March 29, 1996 detailing this policy change.

STAFF RECOMMENDATION: Staff recommends that the Planning Commission forward a recommendation of approval to the City Council for this text amendment.


RECOMMENDED PLANNING COMMISSION MOTION:

Mr. Chairman, on item 96-1.7, I move that we forward a recommendation of approval to the City Council for this text amendment for churches.

MEMORANDUM

March 29, 1996

To: City Planning Commission

Fm: Larry Timm 

CC: John Shaver

Re: Special Use Permits and Conditional Use Permits

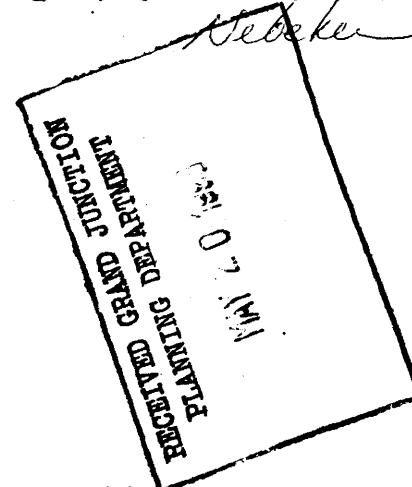
As you may know, there have been situations where the City has zoned newly annexed areas in such a way that the existing uses require a special use permit or a conditional use permit once in the City, although none was required in the County. This has occurred because City zoning and County zoning requirements differ. These situations could have been handled in several ways. For example, we could have processed the required special use permit or conditional use permit at the time of the zone of annexation. However, our practice generally has been to *not* process a SUP or CUP at the zone of annexation, and simply treat these existing uses as non-conforming, and informing the property owner that he/she can continue the use but cannot *expand* the use until / unless the required Special Use Permit or Conditional Use Permit is first obtained from the City.

We have discussed this matter with Mark Achen, and the direction received was to discontinue this practice from this point on, and in the future, process the required Special Use Permit or Conditional Use Permit, at no charge, at the time of the zone of annexation. These SUP or CUPs should be very basic and be just for the existing use as it was at the time of annexation. Also, when and if those property owners noted above request a SUP or CUP for their properties (for the use as it was at the time of annexation), the filing fee should be waived.

Letter addressed to City Council - "Attn: Bill" (Envelope)

To: Bill Hebeke

Council
5/16/96
C: DWL
Bill Hebeke
5/20/96
CR



5/16/96

City Council of Grand Junction
250 North 5th St
Grand Junction, CO 81501-2668

RE: Land Use by Churches

I wish to express my disagreement with the proposal to allow churches "uses-by-right" in residential and commercial districts.

My adverse reaction to this shift is based on the following:

- 1) The rights of home owners are being usurped in favor of the Special Interests of Churches.
- 2) Living next to a church can be the death of a peaceful home. I have seen where people sold their home or refused to buy a home based on the fact that a church was next door. The traffic from the church's activities results in disturbing noise, endangerment to neighbors (especially small children) from cars, parking in residential areas, trespassing on private property, mental agitation of the home owners due to sustained level of activity in their close neighborhood. Church activities are often both day and night. Holiday's, when residence families are often visiting, are very busy times for churches, along with funerals and other non regularly scheduled activities. In addition to regular church activity you are proposing that schools and day care could locate without public notice or hearing.
- 3) You are again interfering in the rights of property owners and doing so without giving proper and well distributed information and without requiring a vote of approval by those who would be most seriously damaged. Your continued moves toward legislation, rules and regulation without a representation approving such action by those involved is not indicative of good faith acts on your part.
- 4) Churches already are taking prime property, that as a residence or commercial building, would add to the tax pool. The over abundance of this misuse is evidenced by a drive down Patterson. A drive through the city of Grand Junction will exhibit to any observer that we do not have a problem with disallowing churches to locate in areas close to their following. What you are proposing is a biased, self-serving act in favor of church organizations and against the good of the general public.

Bonnie Glenn
Bonnie Glenn
960 Lakeside Court
GJ, Co 81506



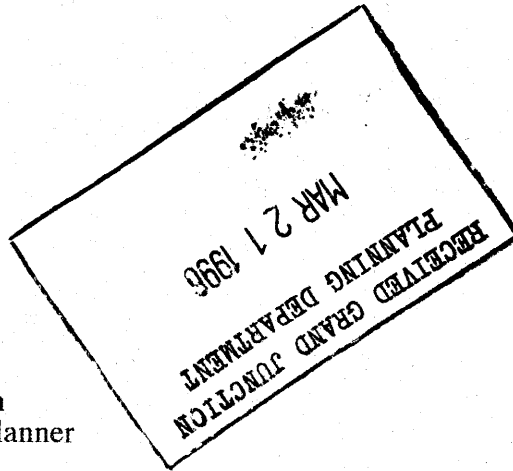
**GENESIS
DESIGNS**
ARCHITECTURE
AND PLANNING

THE STONE
ARCHES OF THE
AMERICAN
SOUTHWEST
DESERT ARE THE
ARTFORMS OF
AN OMNIPOTENT
MIND,
AN
ARCHITECTURE
CRAFTED BY THE
HANDS OF
NATURE.

THEY DEFINE
FOR US A PLACE
IN THE DESERT,
MONUMENTS IN
THE LANDSCAPE
REPRESENTING
OUR
ASPIRATIONS
AND TRIUMPHS.

IF
A MAN-MADE
ENVIRONMENT
WERE ABLE TO
TRANSCEND
MERE BUILDING
AND
TAKE ON
THE ENDURING
QUALITIES OF
MEANING AND
PLACE -
THEN
IT, LIKE AN ARCH
IN THE DESERT,
HAS BECOME A
WORK OF
ARCHITECTURE.

M. E. M.



19 March 1996

City of Grand Junction
William Nebeker, Senior Planner
250 North 5th Street
Grand Junction, Colorado
81501

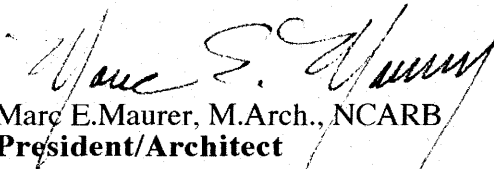
Dear Bill:

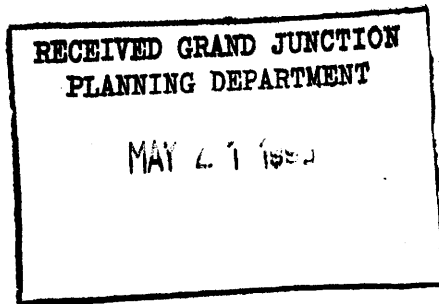
I have reviewed the copy of the staff report you gave me on the March 12 and have found it to be an excellent solution, well in keeping with the intent of the "Preferred Option" presented to the City Council at their workshop earlier this month.

My only comment is to urge you to add Collector Streets to the Allowed uses column where the church capacity would exceed ~~600~~ ³⁰⁰. This comment is in keeping with our most recent conversations.

Thank you again for your work on this endeavor, I plan to attend and support your presentation to the Ministerial Alliance meeting on March 21. As yet I have not been given the exact meeting time - please advise me.

Sincerely,


Marc E. Maurer, M.Arch., NCARB
President/Architect
Copy: File



Angeline Barrett
641 N. 16th Street
Grand Junction, CO
May 20, 1996

To the members of the Grand Junction City Council:

Regarding the proposed ordinance to exempt churches from zoning regulations: If churches always followed Jesus's teaching "Do unto your neighbor as you would have them do unto you" perhaps we could exempt them from the same regulations that apply to the rest of us. But unfortunately, their record right here in the Grand Valley is not good in that regard.

Standing today in some of our nicest neighborhoods are churches with the big, ugly, metal buildings; weedy, unlandscaped grounds; and huge dusty gravel parking lots. If one of those sprang up in my neighborhood without me even being notified, as this ordinance proposes, I might not feel like they were being neighborly.

I believe churches do belong near residential areas but let's not let that confuse the real issue. Since churches are places where many people gather, they need to address compatibility issues with the neighborhood in which they are located. The size, scale and appearance of the building, landscaping in keeping with surroundings, traffic and parking impact are important.

If they are compatible with the area in which they are located, near major streets to handle traffic and potential future changes in use, churches are good neighbors. They can become a great asset to a neighborhood, providing day care facilities, play grounds, meeting place as well as a place to worship. If they are not compatible, they create problems for the people who live near them.

The issue here is not a right to worship. This issue is about the rights of one group vs. the rights of another group; the rights of churches to build where they want and the rights of neighborhoods to have a say in keeping their area a nice place to live. Zoning regulations are simply the only consistent, legal guarantee we have that churches and neighborhoods will be compatible. Why do churches want to get rid of this mechanism? It seems unneighborly!

Please govern fairly for all your constituents. Vote to deny this request for a change in zoning regulations.

Angeline Barrett



“... where the Spirit of the Lord is, there is liberty. . . ” II Corinthians 3:17

May 21, 1996

Bob Withers
2682 Del Mar Dr.
Grand Junction, CO 81506

Dear Bob,

I am writing you regarding a proposal to change the city zoning of churches. I have been working on this now for about a year and I was very disappointed to see the planning commission table the proposal at their last meeting. Many of those who worked on this plan to be at your next meeting on June 4th. But I thought it might be helpful for you to have some of the history on this proposal.

As you know the city of Grand Junction has been pursuing a very aggressive annexation agenda. One that may result in changes in the state laws governing annexations. This action prompted area churches to seek to change the city zoning policies regarding churches. The current county policies give churches and their ministries very wide land use rights. In most cases, it is a use by right. In recent years, most of the new church development has been in the county. The city however has very restrictive land use policies regarding churches. Churches are currently allowed only with either a special or conditional use permit. There is no use by right anywhere. You may remember when our church was annexed we sought such a permit from the commission and it was granted.

With the unanimous support of all church and religious bodies in this Valley, we have worked very hard with the city council and the planning department to come up with a proposal that all of these parties are willing to support. This has been a tremendous undertaking. It is not easy to build this kind of



"... where the Spirit of the Lord is, there is liberty..." II Corinthians 3:17

consensus. It is not as generous as the county but the majority was willing to support the proposal. It may not be perfect but surely it must be both reasonable and workable to have received such broad support. Therefore, it was very disappointing for us to see the commission table this proposal. And I hope that you will give us a fair and impartial hearing on June the 4th. I would be happy to meet or talk with you about the specifics of our work at any time that is mutually convenient. Thanks for your kind consideration.

Sincerely,

Daniel Wilkenson
Daniel Wilkenson, Pastor

**CITY COUNCIL
CITY OF GRAND JUNCTION**

Date: May 30, 1996
Staff: Bill Nebeker
Senior Planner

ACTION REQUESTED: Second reading of a revised ordinance to amend several sections of the Zoning and Development Code to allow churches greater flexibility to locate in the City and to require standards for their location in residential use zones. The revised ordinance will be forwarded to the Council before their June 5, 1996 hearing.

EXECUTIVE SUMMARY: At their May 14, 1996 hearing the Planning Commission recommended approval of only a portion of the proposed text amendment for churches. The Commission was uncomfortable in allowing any nonresidential use to locate in a residential zone without notice to the public. The Commission requested a study session that has been scheduled for May 31, 1996. The Commission will then rehear this text amendment at their June 4, 1996 hearing. If a final decision is reached by the Commission, a revised ordinance will be forwarded to the Council at their June 5, 1996 hearing. A public hearing on this matter be held at the June 5, 1996 Council meeting, even though a delay in final reading of the ordinance may be necessary.

At their Monday Workshop Meeting, Council will be apprised of the status of the revised ordinance.

Attached to this report are letters received by the Community Development Department in support of the Planning Commission's recommendation.

In summary, the Planning Commission recommended the following:

- Churches to be allowable uses in commercial and business zones and conditional uses in I-1 industrial zones.
- Churches to remain prohibited in I-2 (heavy industrial), P (parking) and PZ (public zone) zones
- Denial of the proposal for varying sizes of churches to locate in residential zones without notice to the public or with Special Use Permits, until a study session is held to determine an appropriate level of public input.
- Denial of specific landscaping and setbacks requirements in residential zones until a study session is held to determine an appropriate level of public input.
- Other sections of the zoning ordinance to be amended to require certain development standards such as paved parking and landscaping for nonresidential uses in residential zones.

FISCAL IMPACT: No known impact to the City.

BACKGROUND: See attached report dated May 9, 1996 for additional information. This report does not reflect the Planning Commission's action on May 14, 1996.

RECOMMENDATION: Approval of a revised ordinance, to be forwarded to Council at the June 5, 1996 hearing.

Typical Religious institutions: church, synagogue, temple and convent

Church: Saturday or Sunday Worship Services
Sunday School, Bible Study

Typical Accessory Uses:

- parking lots
- fund raising activities
 - carnivals
 - car wash
 - bingo
 - bake sale
 - dinners
 - rummage sales
 - fairs, carnivals, picnics
- cultural/recreational activities
 - plays
 - concerts
 - sports - indoor & outdoor
 - gymnasium
 - swimming pool
 - playgrounds
- education
 - day care
 - nursery school
 - private school
 - adult educational programs
 - parochial schools
- ancillary uses
 - weddings
 - receptions
- quasi-public assembly
 - boy scouts
 - conferences
 - retreats
 - meeting rooms
 - auditoriums
- other
 - convents
 - rectories
 - monasteries

Non-typical Accessory Uses:

- homeless shelter
- transient shelter
- food kitchen
- drug rehabilitation centers
- other social services
- mortuaries
- cemeteries

City of Grand Junction

May, 1996

Produced by The City of Grand Junction, CO

Volume V Number III

Zoning Changes Considered for Churches

The Grand Junction Planning Commission and City Council will soon be deciding a major shift in land use regulation regarding churches. The Grand Junction Planning Commission is scheduled to hear a new code amendment at their May 7, 1996 hearing. City Council is tentatively scheduled to hear the amendment at their June 5th hearing. To date, churches have been allowed in all residential zoning districts and some commercial districts, but only after notification of the neighborhood and issuance of a permit. The permit requires an extra step in the process before a building permit can be issued. This step is to assure compatibility with the surrounding neighborhood and, in some cases, involves a formal public hearing.

Conversely, churches outside city limits are "uses-by-right" in most zoning districts. This means that a church has a right to locate on a property without notice to adjacent property owners, public hearing or special requirements.

A change in the city zoning ordinance is proposed to make churches a use-by-right in most residential zoning districts and all commercial districts. The need for the change was expressed by churches which felt that freedom of religious assembly should be as unfettered by government regulation as possible. Churches argued that they are traditionally good neighbors to adjacent property owners. They also expressed concern that the religious preferences of some neighborhoods might unfairly discriminate against the location or expansion of a church of a different persuasion. In addition, churches were concerned that newly annexed churches become nonconforming uses. This means these churches cannot expand without going through the public notice and permit process.

The proposed ordinance would allow churches as a use-by-right in all commercial zones in the city. In residential zones, smaller churches (seating capacity to 300), and medium sized churches (seating capacity 301-600) located on arterial and collector streets would be uses by right. Larger churches, with a seating capacity over 600 would require special use permits. Churches would be required to provide perimeter landscaping and larger setbacks than required for most single family homes. In addition, churches and their accessory uses--church schools and day care--could locate in neighborhoods without public notice or hearing.

The proposed amendment was developed jointly by city staff and the church community. It has been favorably received by the Grand Junction Ministerial Alliance and COSMICOS, an interfaith association of congregations in the Grand Valley. The proposal is ready for public review and comment.

The Community Development Department is interested in your comments regarding this matter. Please contact Bill Nebeker at 244-1447 to express your opinion or obtain additional information.

City Drafts Water Conservation Plan

The Water Conservation Act of 1991, passed by the state legislature, requires the City of Grand Junction to develop a water conservation plan.

The City's water conservation plan provides guidelines for future conservation activities. The conservation plan has a set of goals that either maintain or reduce water uses. The plan establishes the criteria by which specific

conservation measures will be selected, as well as a process for measuring results.

The City has been working with the Ute Water Conservancy District and the Clifton Water District so our plans complement each other. The City of Grand Junction has a draft Water Conservation plan available for public comment in the Engineering Department at City Hall, 250 N. 5th Street, Grand Junction.

Copy of Numbers
Comm Dev Dept
Vita 6/3/96

Comm Dev Dept

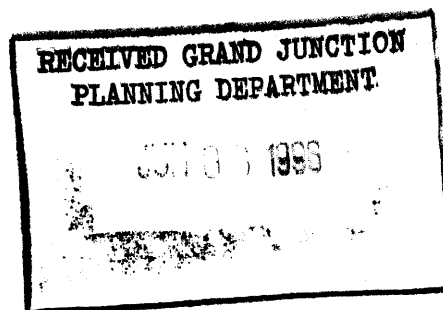
To Grand Junction City Council for Tues June 4 planning meeting

Re: the possibility of the city removing requirements for building churches in residential zones.

Churches generate lots of traffic - not only on Sunday - but on other days as well. Parking is, of course, a related problem. To impose traffic and parking willy nilly on residential areas from unregulated churches is a very bad idea.

Joan Lane
1100 Santa Clara
Grand Junction 81503
245-6153

5-29-96





FOR IMMEDIATE RELEASE

**CONTACT: Kristin Winn
(970) 244-1507**

**City of Grand Junction, Colorado
250 North Fifth Street
81501-2668
FAX: (970)244-1599**

GRAND JUNCTION CONSIDERS ZONING CHANGE FOR CHURCHES

GRAND JUNCTION, CO., April 9, 1996--This month the Grand Junction Planning Commission and City Council will be deciding a major shift in land use regulation regarding churches. To date churches have been allowed in all residential zoning districts and some commercial districts but only after notification of the neighborhood and issuance of a permit. The permit requires an extra step in the process before a building permit can be issued. This step is to assure compatibility with the surrounding neighborhood and in some cases involves a formal public hearing.

Conversely, churches outside city limits are "uses by right" in most zoning districts. This means that a church has a right to locate on a property without notice to adjacent property owners, public hearing or special requirements.

A change in the city zoning ordinance is proposed to make churches a use by right in most residential zoning districts and all commercial districts. The need for the change was expressed by churches who felt that freedom of religious assembly should be as unfettered by government regulation as possible. Churches argued that they are traditionally good neighbors to adjacent property owners. They also expressed concern that the religious preferences of some neighborhoods might unfairly

-more-

church/add 1

discriminate against the location or expansion of a church of a different persuasion. In addition churches were concerned that newly annexed churches become nonconforming uses. This means these churches cannot expand without going through the public notice and permit process.

The proposed ordinance would allow churches as a use by right in all commercial zones in the city. In residential zones, smaller churches (seating capacity to 300), and medium sized churches (seating capacity 301-600) located on arterial and collector streets would be uses by right. Larger churches, with a seating capacity over 600 would require special use permits. Churches would be required to provide perimeter landscaping and larger setbacks than required for most single family homes. In addition, churches and their accessory uses - church schools and day care - could locate in neighborhoods without public notice or hearing.

The proposed amendment was developed jointly by city staff and the church community. It has been favorably received by the Grand Junction Ministerial Alliance and COSMICOS, an interfaith association of congregations in the Grand Valley. The proposal is ready for public review and comment.

The Grand Junction Planning Commission is scheduled to hear the code amendment at their May 7, 1996 hearing. City Council is tentatively scheduled to hear the amendment at their June 5, 1996 hearing. The Community Development Department is interested in your comments regarding this matter. Please contact Bill Nebeker at 244-1447 to express your opinion or obtain additional information.

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