

CITY OF GRAND JUNCTION, COLORADO

ORDINANCE NO. 2967

Ordinance amending Section 4-9-1.F of the Zoning and Development Code  
Non-conforming Single-Family Residences

Recitals:

Section 4-9-1 of the Zoning and Development Code allows for the minor maintenance and repair of non-conforming uses and allows for reconstruction of damaged structures if the damage is 50% or less of the fair market value of the structure. Reconstruction is not allowed if the damage exceeds 50% of the value.

Section 4-9-1.F of the Code allows for an exception to that provision for single-family residences located in the Highway Oriented (H.O.) zone. A single-family residence located in the H.O. zone that is damaged by any amount can be restored but must comply with all Fire and Building Codes and work must be commenced within one year from the date of the damage and be completed within one year thereafter. The residence can still not be expanded in area. This proposed text amendment will expand the above exception to include all non-conforming single-family residences.

The last sentence of the amended paragraph F is intended to apply in a situation, for example, where a home was destroyed by a fire, a dispute over insurance proceeds arose, and the proceeds to reconstruct the home were not available within the one year period due to no fault of the homeowner.

The City Council has duly considered the matter and the recommendation of the Planning Commission and finds that the amendment to the Zoning and Development Code is appropriate.

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

That Section 4-9-1.F of the Zoning and Development Code is amended to read as follows:

*F. A non-conforming single-family residence that has been damaged by less than fifty percent (50%) of its fair market value may be repaired or restored only if: all such repair or restoration work complies with applicable codes, e.g., building and fire; and, the repair or restoration work is substantially commenced within 365 days from the date of the damage and substantially completed within 730 days from the date of the damage; and, the square footage of the residence is not expanded or increased. The Administrator may extend the deadlines for*

*commencement or completion of such repair or restoration work upon a showing that the applicant, due to circumstances beyond the applicant's control, cannot, despite the exercise of reasonable diligence, comply. [Also see Section 4-9-3.B]*

Introduced on first reading this 4th day of December, 1996.

PASSED and ADOPTED on second reading this 18th day of December, 1996.

ATTEST:

/s/ Stephanie Nye  
City Clerk

s/ Linda Afman  
President of City Council