

City of Grand Junction, Colorado
Ordinance No. 3204

**AMENDING THE ZONING AND DEVELOPMENT CODE TO PROVIDE FOR
PLANNING COMMISSION ALTERNATES AND DUTIES OF MEMBERS OF THE
BOARD OF APPEALS**

RECITALS:

Historically the City has had trouble in filling vacancies on the Planning Commission and once full in retaining interested and qualified members. The difficulty is not consistent but instead is cyclical. To minimize the fluctuations in interest and membership on the Commission the Council has determined that alternate members should be appointed. Alternate members as well will help minimize the impact of members withdrawing from consideration of applications due to conflicts of interest.

It is the determination of the Council that it is in the best interest of the citizens of Grand Junction to take steps to ensure that the Planning Commission operates at full strength. To that end, it does hereby amend the Zoning and Development Code to provide for two alternate Planning Commissioners.

To further the understanding of the role and relationship between the Planning Commission and the Board of Appeals and in order to give the alternates a greater opportunity to actively serve, the Council has determined that the membership of the Board of Appeals shall be comprised of the Chairman of the Planning Commission, the two designated Planning Commission alternates and two at-large members.

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

The Zoning and Development Code is hereby amended by repealing and reenacting sections 1-7, 10-1, 10-1-2 and 10-2. The text of the ordinance, to be codified as determined by the City Clerk, is as follows. Amendments only are shown.

1-7 PLANNING COMMISSION

1-7-1 COMMISSION MEMBERSHIP AND MEETINGS

- A. Composition - The Planning Commission for the City of Grand Junction shall consist of seven regular members and two alternate members all appointed by the City Council. The alternate members shall otherwise have the qualification of regular members of the Commission. At the time of appointment, the City Council shall designate one alternate member as the first alternate and the other as second alternate. Each alternate member shall attend all meetings and shall serve during the temporary unavailability, including recusal, of any regular Commission member as may be required. Alternate members, in

addition to other duties prescribed by this Code, shall be allowed to vote in the absence of regular members according to their priority: the first alternate shall fill the first vacancy and both alternates shall vote in the absence of two regular members. When a regular member resigns, is removed or is no longer eligible to hold a seat on the Commission, the first alternate shall fill the vacancy and the second alternate shall be designated as the first alternate. The City Council shall then name a replacement second alternate. The Director of the Grand Junction Community Development Department and/or his appointed representative shall serve as staff to the Commission.

- B. Identity of Members - The members shall be residents of the City of Grand Junction and shall represent the interests of the City as a whole. No member shall be employed by the City, do not hold any other City office nor be a contractor with the City. The Commission members shall be selected from the fields of engineering, planning, architecture construction trades, and law and citizens-at-large.
- C. Term - Members of the Commission shall serve terms of four years. There shall be no limit on the number of terms, including consecutive terms, that any member may serve.
- D. Vacancies - All vacancies shall be filled by appointment of the City Council. If a Commission member ceases to reside in the City, his membership on the Commission shall immediately terminate and an appointment made to fill the unexpired term.
- E. Removal - Members of the Commission may be removed after public hearing by the City Council. Removal may be for inefficiency, neglect of duty, malfeasance or misfeasance in office. The City Council shall make public a written statement of reasons for removal prior to any public hearing seeking removal of a member.
- F. Meetings - Planning Commission meetings shall be regularly scheduled not less than once a month, provided there are pending items or matters to be brought before the Commission, at a time and place designated annually by resolution of the Council. Special meetings may be held as provided by rules of procedure adopted by the Commission and/or this Code or law. The presence of four voting members is necessary to constitute a quorum. The Planning Commission alternates, the Chairman, Vice-chairman and one other member of the Planning Commission shall serve as the Planning Commission Board of Appeals and shall discharge the duties of the Board as described and provided for in this Code.
- G. Compensation - All members of the Commission, including each alternate shall receive \$25.00 for each meeting attended, even if such member does not vote. In addition, the Council may pay each Commissioner a monthly travel and expense stipend as determined appropriate by the Council. Council shall set the sum of the stipend and per meeting compensation annually by resolution.

1-7-2 COMMISSION POWERS AND DUTIES.

Except as otherwise provided by the Code, ordinance, rule, policy or regulation of the City Council, the Commission shall be governed by 31-23-203 et.seq. C.R.S. Except as otherwise provided by this Code, ordinance, rule, policy or regulation of the City Council the Planning Commission Board of Appeals shall be governed by 31-23-307 C.R.S. The Commission and other city officials mentioned in 31-23-101 et. seq. C.R.S. shall have all the powers provided for therein and shall be governed by the procedures set forth by this Code and/or law, ordinance, rule regulation or policy of the City Council. The Planning Commission's powers and duties include, but are not limited to:

- A. Review and recommend action on all requests for amendments to the Growth Plan and Future Land Use Map.
- B. Review and recommend action on all special area plans, corridor plans and neighborhood plans
- C. Review and recommend action on amendments to the major street plan.
- D. Review and recommend action on amendments to the Municipal Annexation Plan (3-mile plan).
- E. Review and recommend action on all requests for annexation or construction to municipal limits pursuant to C.R.S.
- F. Review and recommend action on all requests for amendments to the text of this Code.
- G. Review and recommend action on all requests for amendments to the zoning map, including zones of annexation.
- H. Review and recommend action on all requests for rezoning to planned development.
- I. Decide on all requests for approval of planned development plans.
- J. Review and recommend action on all requests for public right-of-way and easement vacations.
- K. Review and recommend action on all requests for Vested Rights in a Site Specific Development Plan.
- L. Decide on all preliminary plans for major subdivisions.
- M. Decide all requests for approval of final plats for major subdivisions.
- N. Decide all appeals to staff actions on alternative form subdivisions.

- O. Decide all requests for action on conditional use permits.
- P. Decide all appeals to staff actions on special use permits.
- Q. Decide all requests for variance from the provisions of the Code that are not assigned to the Board of Appeals or the City Council.
- R. Decide all appeals of administrative decisions pertaining to the Use/Zone Matrix of the Code.
- S. Review and recommend action on other development manuals, such as SSID, SWMM and TEDS.
- T. Decide all requests that are otherwise designed to the Community Development Director, a portion of which require Planning Commission approval.
- U. Discharge the duties of the Planning Commission Board of Appeals as detailed in section 10-1-1 of the Zoning and Development Code.

10-1 PLANNING COMMISSION BOARD OF APPEALS

10-1-2 BOARD MEMBERSHIP AND MEETINGS

- A. Composition - The Planning Commission Board of Appeals (Board) shall consist of five members. The Director of the Grand Junction Community Development Department and/or his appointed representative shall serve as staff to the Board.
- B. Identity of Members - The membership of the Board shall be comprised of the Chairman of the Planning Commission, the designated Planning Commission alternates and two at-large members.
- C. Term - Members of the Board shall serve terms of four years coincident to their terms on the Planning Commission. There shall be no limit on the number of terms, including consecutive terms, that any member may serve.
- D. Vacancies - All vacancies shall be filled in accordance with section 1-7-1 D. If a Board member ceases to reside in the City, his membership on the Board shall immediately terminate and an appointment made to fill the unexpired term.
- E. Removal - Board members may be removed after public hearing by the City Council. Removal may be for inefficiency, neglect of duty, malfeasance or misfeasance in office. The City Council shall make public a written statement of reasons for the removal before any public hearing seeking removal of a member.
- F. Meetings - Public meetings of the Board shall be scheduled as needed on the third Wednesday of the month. Special meetings may be held as provided by rules of procedure adopted by the Board. The presence of three voting members is necessary to constitute a quorum.
- G. Compensation - Compensation of the Board members, if any, shall be determined by the City Council.

BUILDING CODE BOARD OF APPEALS

For appeals of a decision based on adopted building codes, see Section 105 of the adopted Uniform Building Code.

All other terms or provisions inconsistent herewith are repealed by implication.

INTRODUCED this 20th day of October 1999.

PASSED AND ADOPTED this 3rd day of November, 1999.

/s/ Gene Kinsey
President of the Council

Attest:

/s/ Stephanie Nye
City Clerk