

CHAPTER ONE

GENERAL PROVISIONS

1.1 TITLE

These regulations shall be known and cited as the City of Grand Junction Zoning and Development Code (“Code”). The Code has been adopted pursuant to Ordinance No. 3240, effective on April 22, 2000, and as amended thereto.

1.2 AUTHORITY

The City of Grand Junction (“City”) is authorized by its home rule powers pursuant to the Colorado constitution and the City of Grand Junction Charter. The City Council chooses to exercise broad powers including the regulation of zoning, planning, and subdivision of land.

In addition, the City Council intends that all other available powers shall support this Code including those powers and those provided by state law, such as but not limited to municipal powers, Planning and Zoning 31-23-101, *et seq.*, C.R.S.; 30-28-201, *et seq.*, C.R.S.; 29-20-101 *et seq.*, C.R.S.; the power to designate and administer areas and activities of state interest, 24-65.1-101, *et seq.*, C.R.S.; regulation of Planned Unit Development, 24-67-101, *et seq.*, C.R.S. If other authority is available because of changes in statutory and case law, state and federal, the City Council intends to avail itself of those resources as well.

1.3 APPLICATION

This Code shall apply to all territory, uses and facilities within the City’s limits, and to public and private lands, all uses thereon, and all structures and buildings over which the City has jurisdiction under the constitution and laws of the state of Colorado of the United States or pursuant to the City’s powers.

1.4 PURPOSE

The Code is intended to enable the City to uniformly and consistently evaluate, improve and approve, as appropriate, development, changes to existing uses, future uses and activities and to promote the health, safety and general welfare of the citizens and residents of the City. Not all situations will fall into easily identifiable processes and requirements. This Code provides flexibility in dealing with situations in general, and especially those which do not fit well with typical processes and standard requirements. The elements that make up this Code are interrelated and cannot be taken in isolation; all provisions and regulations must be taken within the context and intent of the entire Code.

1.5 SEVERABILITY

The provisions of this Code shall be severable. If any provision is declared invalid by a court of competent jurisdiction, the effect of such decision shall be limited to that provision or provisions which are expressly stated in the decision to be invalid; and such decision shall not affect, impair or nullify this Code as a whole or any other part thereof.

1.6 RULES OF CONSTRUCTION

To help interpret and apply this Code, the following rules shall apply:

- A. The particular controls the general;
- B. The text shall control if there is a difference of meaning or implication between the text and any caption or title;
- C. The words “shall” and “must” are always mandatory. The words “may” and “should” are permissive and are at the discretion of the decision-maker;
- D. Words used in the present tense include the future;
- E. Words in the singular include the plural;
- F. Words of one gender include all other genders, unless the context clearly indicates otherwise;
- G. All words, terms and phrases not otherwise defined herein shall be given their usual and customary meaning, unless the context clearly indicates a different meaning was intended. Words not defined shall be defined by reference to *The Latest Illustrated Book of Development Definitions*, 2004. Absent guidance there, words not found in this book shall be defined by reference to the *Webster’s Third New International Dictionary, Unabridged*, 1993;
- H. Unless otherwise indicated, the term “days” means calendar days, if the period of time referred to is more than thirty (30) days. If the period of time referred to is for less than thirty (30) days, “days” means days when the City is open for business;
- I. If the last day of a submission date, period or other deadline is a Saturday, Sunday or a holiday recognized by the City, the period shall end on the last business day; and
- J. Use of words like “City Council,” “Planning Commission,” “Director,” “Engineer” includes City officials and staff.

1.7 CONSISTENCY WITH GROWTH PLAN

The Code is intended to implement the goals, objectives and policies of the Grand Junction Growth Plan, as amended (“Growth Plan”) and to be consistent with the Growth Plan.

1.8 MINIMUM STANDARDS

This Code sets the minimum requirements necessary for the promotion of public health, safety, and welfare. In many instances, the public is best served when such minimums are exceeded. If any other applicable law, rule, contract, resolution or regulation of the City, county, state or federal government contains standards covering the same subject matter, the more restrictive requirement or higher standard shall control.

1.9 PRIVATE RESTRICTIONS

This Code is not intended to affect any private agreement or condition such as a deed restriction or covenant. If any provision of this Code is more restrictive or imposes a higher standard than any such private restriction, the requirements of this Code shall control. Where the provisions of any private restriction are more restrictive or impose higher standards than the provisions of this Code, the City has no duty to enforce such private restrictions, but may do so if otherwise authorized.

1.10 APPLICATION OF REGULATIONS DURING LOCAL EMERGENCY

The Director may waive any or all provisions of this Code during a local emergency declared by the City's mayor or City Manager. A wildfire, flood or other catastrophic situations are examples of a local emergency.

1.11 CITY COUNCIL

The City Council shall:

- A. Appoint members to the:
 - 1. Planning Commission;
 - 2. Zoning Board of Appeals; and
 - 3. Historic Preservation Board.
- B. As it deems appropriate, decide, adopt and/or amend:
 - 1. The Growth Plan and Future Land Use Map;
 - 2. Special area plans, corridor plans and neighborhood plans;
 - 3. The street plans and components of it;
 - 4. Annexation plans;
 - 5. Vacations of rights-of-way and lesser interests in land such as easements;
 - 6. Designation of local historic sites, structures and districts;
 - 7. Fees to pay for, at least in part, the negative impacts of development; and
 - 8. Development standards such as Submittal Standards for Improvements and Development (SSID), Stormwater Management Manual (SWMM) and Transportation Engineering Design Standards (TEDS);
- C. Hear and decide all requests for:
 - 1. Annexation and changes to the City's limits;
 - 2. Making changes to zones and the zoning maps, including rezonings and planned developments;
 - 3. Approval and/or amendment to planned development outline development plans;
 - 4. Approval and/or amendment to planned development preliminary plans for those developments for which the City does not recognize a valid outline development plan;
 - 5. Revocable permit for use or occupancy of a City right-of-way or public place;
 - 6. Approval of a vested right as provided in this Code for a site specific development plan;
 - 7. Appeal of a Planning Commission decision;
 - 8. Fee in-lieu of land dedication waiver;
 - 9. Sewer variances; and
 - 10. Street name changes.

1.12 PLANNING COMMISSION

- A. **Membership and Meetings.** The Planning Commission for the City shall consist of seven (7) regular members and two (2) alternate members. 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 (1) 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 (2) 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 Planning Commission Alternates, the Chairman and two (2) other persons to serve at-large, shall serve as the Zoning Board of Appeals and shall discharge the duties of the Board as described and provided for in this Code. 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, 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 (4) years. Members are limited to two (2) consecutive terms.
- 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/Voting.** 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 (4) voting members is necessary to constitute a quorum.
- G. **Compensation.** All members of the Commission shall be compensated, as the City Council deems appropriate by resolution.
- H. **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 31-23-201, *et seq.*, C.R.S. The Commission and other city officials mentioned in 31-23-201, *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:

1. Recommend to the City Council all requests for adoption or amendments to:
 - a. The Growth Plan and Future Land Use Map;
 - b. Special area plans, corridor plans and neighborhood plans;
 - c. The Grand Valley Circulation Plan;
 - d. The text of this Code and the Zoning Map, including zoning for newly annexed territory;
 - e. Review fees and impact fees;
2. Hear and recommend to the City Council all requests for:
 - a. Vacating public right-of-way and easements pursuant to 43-2-301, *et seq.*, C.R.S.;
 - b. Zoning changes, including rezonings and zoning of planned developments;
 - c. Planned development outline development plan approvals and amendments;
 - d. Planned development preliminary plans, if no previous valid outline development plan;
 - e. A vested right as a part of any site specific development plan; and
 - f. Sewer variances.
3. Decide all requests for:
 - a. Concept plan review;
 - b. Major subdivision preliminary plan approval;
 - c. Condominium and leaseholding plan approvals;
 - d. Vacating any plat;
 - e. Preliminary plan approvals of planned developments and major amendments that are subsequent to an approved outline development plan;
 - f. Conditional use permits;
 - g. Appeals of Director's decisions pertaining to the Use/Zone Matrix Table 3.5 of this Code;
 - h. Appeals of decisions by the Director on administrative development permits;
 - i. Variances to the landscape, buffering, and screening requirements;
 - j. Variances in planned developments;
 - k. Variances to the 24 Road Corridor Design Standards and Guidelines; and
 - l. Sign Packages.
4. Other tasks as assigned by the City Council.

1.13 ZONING BOARD OF APPEALS (ZBOA)

- A. **Composition.** The Zoning Board of Appeals for the City shall consist of five (5) members, each of whom shall be a City resident and shall represent the interests of the City as a whole. The City Council shall consider citizens with experience in the fields of engineering, law, surveying, development, planning, architecture and construction, as well as citizens-at-large.

- 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 (4) years coincident to their terms on the Planning Commission. Members are limited to two (2) consecutive terms.
- D. **Vacancies.** All vacancies shall be filled by appointment of the City Council. A member's seat on the Board shall be vacant when the member ceases to reside in the City.
- E. **Removal.** The City Council may remove any member of the Board after public hearing for good cause including inefficiency, neglect of duty, malfeasance or misfeasance in office. The City Council shall make public a written statement of reasons for the removal prior to said public hearing.
- F. **Meetings.** The Board shall meet at least once a month, provided there is business to be brought before the Board. Special meetings may be held as provided by rules of procedure adopted by the Board. Three (3) members constitute a quorum.
- G. **Voting.** A majority of a quorum of the Board shall be sufficient to conduct the business of the Board. A lesser number than a quorum may act to adjourn or continue a meeting.
- H. **Compensation.** Members shall be compensated as the City Council deems appropriate by resolution.
- I. **Powers and Duties.** Except as otherwise provided by this Code, ordinance, rule, policy or regulation of the City Council the Zoning Board of Appeals shall be governed by Section 31-23-307, C.R.S. The Board shall have the power and duty to decide:
 - 1. Appeals of Director's decisions made pursuant to this Code;
 - 2. Requests to vary the bulk, performance, accessory use, use-specific standards or sign regulations of this Code;
 - 3. Requests for relief from the Nonconforming provisions established in Section 3.8 of this Code; and
 - 4. Variances to any provision of this Code not otherwise assigned to another review body.

1.14 BUILDING CODE BOARD OF APPEALS

For appeals relating to building codes, see Section 112 of the International Building Code (IBC).

1.15 DIRECTOR OF COMMUNITY DEVELOPMENT

The Director of the Community Development Department ("Director") serves at the direction of the City Manager. The Director shall decide requests for a:

- A. Planning Clearance;
- B. Home Occupation permit;
- C. Temporary Use permit;
- D. Change of Use permit;

- E. Major Site Plan Review;
- F. Minor Site Plan Review;
- G. Fence permit;
- H. Sign permit;
- I. Disputed Boundary Adjustments;
- J. Floodplain development permit;
- K. Simple Subdivision;
- L. Major Subdivision final plat;
- M. Major Subdivision construction plan;
- N. Minor amendment to Planned Development preliminary plans;
- O. Planned Development final plan;
- P. Planned Development final plan amendment;
- Q. Minor deviations to any Zoning district bulk standard; and
- R. Development Improvement Agreement; and
- S. Landscaping and/or Irrigation Revocable Permits, including retaining walls that are 4' tall or less.

1.16 VIOLATIONS UNDER PRIOR CODE

Any person who violates any provision of the prior Code shall be subject to the provisions of that Code which shall remain in effect for these purposes.

1.17 NONCONFORMITIES UNDER PRIOR CODE

A lawful nonconformity under the previous Code may remain as a nonconformity, so long as use or location is continuous. Any expansion or increase that is not permitted by this Code is unlawful.

1.18 APPLICABILITY OF THIS CODE

- A. **New Zoning and Development Code.** This Code shall apply:
 1. To each Application for which an application is made after July 26, 2000 and each development approved after August 7, 2000; and
 2. If the Planning Commission or City Council finds that the development schedule has not been met, the Development has been abandoned, or is not in compliance with the former Code.
 3. An applicant may elect to use the provisions of this Code any time after the effective date; however, an election to use the new Code shall lock the applicant into the new Code.
- B. **Former Zoning and Development Code.** The former Code shall apply:
 1. To any development that has received final approval on or before July 19, 2000;
 2. To any development that has been approved as a site specific development plan (SSDP) under the former Code on or before January 31, 2001; and
 3. To any development for which a preapplication conference has occurred prior to the effective date of this Code provided:
 4. The development application is submitted within six (6) months of the date the preapplication conference was held; and

5. The development has received preliminary approval under the former Code by January 31, 2001; and
6. To any development that has received preliminary approval under the former Code on or before January 31, 2001. Unless specifically approved by the City Council, no development schedule may extend the applicability of the former Code beyond December 31, 2004.

C. **Extensions of Development Schedule.**

1. The Planning Commission may recommend and the City Council may extend a development schedule under the former Code beyond December 31, 2004 upon a satisfactory showing that:
 - a. The developer has installed or will install during the term of the development schedule adequate, contemporary infrastructure. Adequate, contemporary infrastructure means that all infrastructure/facilities are/will be constructed to then existing standards;
 - b. The general scale, density/intensity of the development is consistent with then established community standards and development trends; and
 - c. That no compromise, modification or amendment of the Code other than to one (1) or more bulk standard is proposed with or as part of the extension of the former Code.
2. No extension of an approved development schedule shall extend or change the effective date of vesting of a property right under a SSDP unless specifically provided by written agreement, approved by the Planning Commission after Public Notice and Hearing.

- D. **Appeals.** A decision by either the Planning Commission or the City Council to apply this Code or the former Code is not appealable other than in accordance with Colorado Rule of Civil Procedure 106.

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