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**PLANNING COMMISSION AGENDA
CITY HALL AUDITORIUM, 250 NORTH 5TH STREET
TUESDAY, DECEMBER 11, 2018 @ 6:00 PM**

Call to Order - 6:00 PM

1. Minutes of Previous Meeting

Action: Adopt the minutes from the November 13, 2018 meeting

2. Tiara Rado East Rezone

FILE # CPA-2018-728 / RZN-2018-729

Consider a request for a Comprehensive Plan Amendment to change the Future Land Use designation from Park to Residential Medium Low on 4.27 acres and rezone the property from CSR (Community Services and Recreation) to R-4 (Residential, 4 du/ac) zone district.

Action: Recommendation to City Council

Applicant: City of Grand Junction - Rob Schoeber
Location: 2064 S BROADWAY
Staff Presentation: Kathy Portner

3. Zoning Code Amendments

FILE # ZCA-2018-734

Consider a request to amend various sections of the Zoning and Development Code regarding performance standards, accessory dwelling units, flag lots, loop lane setbacks, architectural standards related to garage doors, rezoning and planned development

Action: Recommendation to City Council

Applicant: City of Grand Junction
Location: Citywide
Staff Presentation: Kathy Portner

Other Business

Adjournment

GRAND JUNCTION PLANNING COMMISSION
November 13, 2018 MINUTES
6:00 p.m. to 7:39 p.m.

The meeting of the Planning Commission was called to order at 6:00 p.m. by Vice-Chairman Wade.

Those present were Planning Commissioners; Bill Wade, Andrew Teske, Steve Tolle, and Kathy Deppe.

Also present were Community Development Department–Kathy Portner, (Community Development Manager), David Thornton, (Principal Planner), Andrew Gingerich, Associate Planner.

Deputy City Attorney Jamie Beard and Secretary Lydia Reynolds.

There were approximately 10 citizens in attendance during the hearing.

1. Minutes of Previous Meetings

Action: Approve the minutes from the September 25th, 2018

Vice-Chairman Wade asked for a motion to approve the minutes.

Commissioner Teske moved to approve the minutes as written.

Commissioner Deppe seconded the motion. The motion passed unanimously by a vote of 4-0.

Vice-Chairman Wade made clear the purpose of the meeting and outlined the order of the public hearing.

*** * * INDIVIDUAL CONSIDERATION * * ***

2. Foam and Folly Conditional Use Permit **FILE #** **CUP-2018-456**

Consider a request for a Conditional Use Permit (CUP) to allow a microbrewery and taproom on .12 acres in a B-2 (Downtown Business) zone district.

<i>Action:</i>	<i>Final Decision</i>
Applicant:	Jeff Reid
Location:	330 S 2ND ST
Staff Presentation:	Andrew Gingerich

The applicant, Jeff Reid, was present.

Vice-Chairman Wade began by asking if the required public notice was given pursuant to the City's noticing requirements. Mr. Gingerich replied in the affirmative.

Staff Presentation

Andrew Gingerich (Associate Planner) stated that this request is to consider a Conditional Use Permit (CUP) to allow a microbrewery and taproom on .12 acres in a B-2 (Downtown Business) zone district.

A brief recess was taken. The meeting then resumed.

Mr. Gingerich continued with a PowerPoint presentation.

Questions for Staff

Mr. Gingerich answered a question about the parking requirements.

Applicants Presentation

The applicants, Jeff Reid, (Applicant/Owner) stated he feels the staff presentation was good and he and Eric Kraai, (Kraai Designs) were available to answer any questions.

Public Comment

Vice-Chairman Wade opened the public hearing for public comment. With no citizens stepping forward to comment, Vice-Chairman Wade closed the Public Comment period.

Commissioner Discussion

Commissioner Teske, Tolle, Deppe and Wade all agreed that they feel this project has met all of the criteria of the code.

Motion and Vote

Commissioner Teske moved to approve the CUP.

Commissioner Deppe seconded the motion. The motion passed unanimously by a vote of 4-0.

3. Frog Pond Zone of Annexation and Outline Development Plan

FILE # ANX-2018-349 / PLD-2018-350

Consider a request of an Outline Development Plan (ODP) and zone of annexation to Planned Development (PD) with R-5 (Residential, 5 du/ac) and CSR (Community Services and Recreation) default zone districts for Frog Pond.

Action: Recommendation to City Council

Applicant: Frog Pond LLC - Kevin Bray
Location: 2501 MONUMENT RD
Staff Presentation: Kathy Portner

Vice-Chairman Wade began by asking if the required public notice was given pursuant to the City's noticing requirements. Ms. Portner replied in the affirmative.

Ms. Portner stated that the applicant would like to address the Planning Commission.

The Applicant, Kevin Bray, (Frog Pond LLC, Owner) asked for clarification of the voting procedures due to the fact that there are just four Planning Commissioners present and he would have to have all four votes to get a favorable recommendation to City Council. Ms. Beard explained the voting procedures and options to proceed or ask for a continuance.

Staff Presentation

Kathy Portner (Community Development Manager) stated that this request is to consider a Conditional Use Permit (CUP) to allow a microbrewery and taproom on .12 acres in a B-2 (Downtown Business) zone district. Ms. Portner continued with a PowerPoint presentation.

Applicants Presentation

The Applicant, Kevin Bray, (Frog Pond LLC, Owner) stated his project team is present. Mr. Bray continued with a PowerPoint presentation. Mr. Bray introduced Ted Ciavonne, (Ciavonne, Roberts and Associates). Mr. Ciavonne continued with a PowerPoint presentation.

Public Comment

Vice-Chairman Wade opened the public hearing for public comment. Lois McClure expressed her concerns.

Applicants Rebuttal

Mr. Bray stated that the drainage is not part of the criteria of his request and will be addressed later in the development process.

Questions for Staff

Ms. Portner answered questions about the default zoning and the study that was done regarding sufficient right-of-way to allow for a turn lane.

Commissioner Discussion

Commissioner Deppe expressed concern regarding the potential of flooding, but acknowledged that it is not part of the criteria of the application. Commissioners Tolle and Teske and Wade expressed concerns about the bulk standards and commercial development.

Motion and Vote

Commissioner Deppe moved to recommend approval to City Council.

Commissioner Tolle seconded the motion. The motion passed unanimously by a vote of 4-0.

Other Business

David Thornton reminded the Commission that the two workshops and meetings in October have been cancelled.

Adjournment

The meeting was adjourned at 7:39 PM.

EXHIBIT LIST

PLANNING COMMISSION AGENDA ITEM

Project Name:	Tiara Rado East Comprehensive Plan Future Land Use Map Amendment and Rezone
Applicant:	City of Grand Junction
Representative:	Rob Schoeber, Parks and Recreation Director
Address:	2064 South Broadway
Zoning:	Proposed Residential Medium Low Designation and R-4 (Residential, 4 units/acre) Zoning
Staff:	Kathy Portner, Community Services Manager
File No.	CPA-2018-728; RZN-2018-729
Date:	December 11, 2018

I. SUBJECT

Consider a request for a Comprehensive Plan Amendment and Rezone to change the Future Land Use Map designation to Residential Medium Low and rezone to R-4 (Residential, 4 du/acre) 4.27 acres located at 2064 South Broadway.

II. EXECUTIVE SUMMARY

The City owns 80 acres at 2064 South Broadway across from the Tiara Rado Golf Course. Approximately half of the property is being used for the existing driving range and irrigation ponds. The City intends to sell 4.27 acres of the unused property for purposes of future development and is requesting to change the Future Land Use Map designation from Park to Residential Medium Low and rezone the property from CSR (Community Services and Recreation) to R-4 (Residential, 4 du/acre).

III. BACKGROUND

The City owns 80 acres at 2064 South Broadway; the property is across from the Tiara Rado Golf Course. Approximately half of the property is being used for the existing driving range and irrigation ponds. The property was purchased in 1993 for possible expansion of the Golf Course. The driving range and irrigation ponds were completed in 1999. In 2006 a private developer proposed a residential development in conjunction with a possible expansion of the Golf Course. With the downturn in the golf market and the prior development proposal being non-viable, the City has determined that an expansion will not occur and is proposing to sell 4.27 acres, located northeast of the S. Broadway curve across from the Tiara Rado golf course parking lot, for residential development.

The 80 acres has been subdivided into three lots, with Lot 1 being the parcel proposed for rezoning. Lot 2 is 40 acres and includes the driving range and associated facilities and Lot 3 consists of 37 acres and was recently rezoned to R-1 in anticipation of selling the property for development. However, the City is now discussing the option of purchasing Lot 3 from golf and dedicating it as a passive park.

Notwithstanding that the property has never been planned or programmed as a park or for a park use, the Comprehensive Plan/Future Land Use designation for the property is "Park." The purchase of the subject property was anticipated to initiate an expansion of Tiara Rado, but that did not occur and, due to changes in the golf business, will never occur. Plans for this site have never included traditional community park development, but rather a combination of residential development with limited golf expansion. The property was purchased through the golf fund, an enterprise account that is held separate from the City's General Fund. The golf enterprise is specific to golf and does not fund, support or finance parks/park operations. The rezone and possible sale would be for the benefit of the golf enterprise and operations. In the event that another community use was desired for this property, it would require a purchase from the golf fund. The "Park" designation in the Comprehensive Plan would be more appropriately applied to an active park or recreation site with significant public access. The "Park" FLU designation on this property reasonably may be found to be in error. Because expansion of the golf course will not occur, the Park FLU designation is not valid and staff recommends the FLU Map be changed to Residential Medium Low for Lot 1. The properties surrounding the 4.27 acres are designated Residential Medium Low to the north and Residential Medium High to the west and south by the Comprehensive Plan/Future Land Use map.

In addition to the Future Land Use Map, the Comprehensive Plan also includes a Blended Residential Land Use Categories Map ("Blended Map"). The Blended Map shows residential densities in three categories, Low, Medium and High and within each of those categories, although the zoning densities of each parcel may be different, compatibility is apparent because all uses are residential. The Blended Map provides some flexibility to accommodate residential market preferences and trends, streamline the development process and support the Comprehensive Plan's vision of providing for a mix of housing types by recognizing that use not specific density is an important consideration in determining compatibility. Having some "overlap" of zoning all within the same residential use category allows for a mix of density for an area while still being compatible with adjacent development. The area surrounding the 4.27 acres is designated as Residential Low (maximum of 5 du/acre) to the north and Residential Medium (4-16 du/acre) on the Blended Map.

The property is currently zoned CSR (Community Services and Recreation), as is all of the Tiara Golf property. The Zoning and Development Code defines uses in the CSR zone district to include parks, open space, schools, libraries and recreational facilities, as well as environmentally sensitive areas. Because the intended use of the 4.27 acres is proposed to change, a rezone is being requested. With rezoning the property will be offered for residential development.

Properties across S. Broadway to the west, not in the City limits, have a County zone designation of PUD (Planned Unit Development with a density of approximately 7 du/ac). Properties to the north are zoned R-2 (Residential, 2 du/acre) and properties to the south across S. Broadway are zoned R-12 (Residential, 12 du/acre and PD (Planned Development with a density of approximately 4.5 du/ac).

IV. NOTIFICATION REQUIREMENTS

As required by § 21.02.080 (e) of the Zoning and Development Code a Neighborhood Meeting was held on October 23, 2018. Twenty-three people attended the meeting along with City Staff. The City presented information on the history of the property, the proposal to sell a portion of the property and the proposed rezone. The City also provided an update on the 37 acres that was recently rezoned to R-1 and the City's intent to consider purchasing the property from the golf fund for a passive park. Generally, those in attendance were appreciative of the City's proposal to potentially create a passive park and were supportive of the proposed rezone of the 4.27 acres to R-4.

Notice was provided in accordance with §21.02.080 (g) of the Zoning and Development Code. On November 30, 2018 notice of the application was mailed to property owners within 500 feet of the subject property. An application sign was posted on the property on or before November 30, 2018 and notice of the public hearing was published December 4, 2018 in the Daily Sentinel.

V. ANALYSIS – Comprehensive Plan Amendment

Pursuant to §21.02.130 the City may amend the Comprehensive Plan if the proposed changes are consistent with the vision (intent), goals and policies of the Comprehensive Plan and meets one or more of the following criteria:

(1) Subsequent events have invalidated the original premise and findings; and/or

The subject property is currently within the Future Land Use category of "Park". The "Park" designation is for active park and recreation sites with significant public access. When the Comprehensive Plan was adopted in 2010, the entire 80 acres was considered for expansion of golf facilities. It has now been determined that Lot 1 of Tiara Rado East Subdivision will not be developed as a golf course and the City desires to sell the property for development. Therefore, Staff finds this criterion has been met.

(2) The character and/or condition of the area has changed such that the amendment is consistent with the Plan; and/or

The majority of the development that has occurred since the adoption of the Comprehensive Plan is south and west of South Broadway, adjacent to Tiara Rado Golf Course. The character and/or condition of the area adjacent to the Golf Course has seen significant development ranging in density from approximately 4 du/acre to 12 du/acre. While the area directly adjacent to the property has had very little development activity, the proximate area as a whole (within ½ to ¼ mile) has seen significant development and therefore, Staff finds that this criterion has been met.

(3) Public and community facilities are adequate to serve the type and scope of land use proposed; and/or

Adequate public and community facilities and services are available to the property and are sufficient to serve the future use as allowed with the Residential Medium

Low future land use designation; a 12-inch Ute water line, with fire hydrants, is in S. Broadway and sanitary sewer is available along the east property line. Xcel Energy provides electric and gas. A neighborhood commercial center, including an office complex, bank, medical clinic, veterinary clinic, convenience store and car wash is located at Highway 340 and the Redlands Parkway. In addition, Fire Station No. 5 is located within 2 miles of the property and the property is located nearby to Broadway Elementary School, Redlands Middle School and Wingate Elementary School. Staff finds this criterion has been met.

(4) An inadequate supply of suitably designated land is available in the community, as defined by the presiding body, to accommodate the proposed land use; and/or

This larger area of the Redlands, south of Highway 340, between Monument Road and 20 Road where it adjoins the Cooperative Planning Area (Buffer), has a variety of Future Land Use designations, from Rural (1 du/5 acres) to Residential Medium High (8-16 du/acre to accommodate a variety of residential densities and housing types. Because of the variety of designations in the proximate area, Staff finds that there is not an inadequate supply of any one designation and therefore this criterion has not been met.

(5) The community or area, as defined by the presiding body, will derive benefits from the proposed amendment.

The proposed amendment to the Comprehensive Plan Future Land Use Map to Residential Medium Low is consistent with the designation of the surrounding properties and would allow for consideration of Residential zoning and development compatible with the surrounding area.

The community will derive benefits from the proposed amendment by creating an opportunity for future residential development on this property which will provide additional residential housing opportunities for residents of the community. The property is located within the highly desirable Redlands area and near neighborhood commercial centers, elementary and junior high schools, which could contribute positively to employers' ability to attract and retain employees. Therefore, staff finds that this criterion has been met.

This Comprehensive Plan amendment request is consistent with the following vision, goals and/or policies of the Comprehensive Plan.

Guiding Principle 3: Housing Variety—allow, encourage more variety in housing types (more than just large lot single family homes) that will better meet the needs of our diverse population—singles, couples, families, those just starting out, children who have left home, retirees, etc.

Goal 3: The Comprehensive Plan will create ordered and balanced growth and spread future growth throughout the community.

Policy B: Create opportunities to reduce the amount of trips generated for shopping and commuting and decrease vehicle miles traveled thus increasing air quality.

Goal 5: To provide a broader mix of housing types in the community to meet the needs of a variety of incomes, family types and life stages.

Policy A: In making land use and development decisions, the City will balance the needs of the community.

Policy B: Encourage mixed-use development and identification of locations for increased density.

Policy C: Increasing the capacity of housing developers to meet housing demand.

VI. ANALYSIS--Rezone

Pursuant to §21.02.140 (a) of the Zoning and Development Code, the City may rezone property if the proposed changes are consistent with the vision, goals and policies of the Comprehensive Plan and must meet one or more of the following rezone criteria as identified:

(1) Subsequent events have invalidated the original premises and findings; and/or

The current zoning of CSR reflects the ownership and intended use of the property for expansion of the golf facilities. The request to amend the Future Land Use designation to Residential Medium Low would allow for the rezone to R-4. In addition to the Future Land Use Map, the Comprehensive Plan also includes a Blended Residential Land Use Categories Map ("Blended Map"). The Blended Map combines compatible residential densities in three categories, Low, Medium and High, allowing overlapping of zones to provide flexibility to accommodate residential market preferences and trends, streamline the development process and support the Comprehensive Plan's vision. The overlap of zones allows for a mix of density for an area without being limited to a specific land use designation, while still being compatible with adjacent development. The surrounding area is designated as Residential Low (maximum of 5 du/acre) and Residential Medium (4-16 du/ac) on the Blended Map.

The Future Land Use designation of Residential Medium Low in conjunction with the Blended Map designation of Residential Low and Medium, allows for consideration of zoning of up to 16 dwelling units per acre. Therefore, the request to amend the Future Land Use designation to Residential Medium Low would allow for the rezone to R-4 which allows for a density range of 2 du/ac to 4 du/ac.

The determination that the 4.27 acres will not be developed for public purposes and the adoption of the Future Land Use Map in 2010 are subsequent events that have invalidated the original zoning of CSR. Staff therefore finds this criterion has been met.

(2) The character and/or condition of the area has changed such that the amendment is consistent with the Plan; and/or

The majority of the development that has occurred since the adoption of the Comprehensive Plan is south and west of South Broadway, adjacent to Tiara Rado Golf Course. The character and/or condition of the area adjacent to the Golf Course has seen significant development ranging in density from approximately 4 du/acre to 12 du/acre. While the area directly adjacent to the property has had very little development activity, the proximate area as a whole (within ½ to ¼ mile) has seen significant development and therefore, Staff finds that this criterion has been met.

(3) Public and community facilities are adequate to serve the type and scope of land use proposed; and/or

Adequate public and community facilities and services are available to the property and are sufficient to serve the future use as allowed with the Residential Medium Low future land use designation; a 12-inch Ute water line, with fire hydrants, is in S. Broadway and sanitary sewer is also available along the east property line. Xcel Energy provides electric and gas. A neighborhood commercial center, including an office complex, bank, medical clinic, veterinary clinic, convenience store and car wash is located at Highway 340 and the Redlands Parkway. In addition, Fire Station No. 5 is located within 2 miles of the property and the property is located nearby to Broadway Elementary School, Redlands Middle School and Wingate Elementary School. Staff finds this criterion has been met.

(4) An inadequate supply of suitably designated land is available in the community, as defined by the presiding body, to accommodate the proposed land use; and/or

This larger area of the Redlands, south of Highway 340, between Monument Road and 20 Road where it adjoins the Cooperative Planning Area, has many different Future Land Use designations and zone districts, from R-R (Residential Rural) to R-12 (Residential, 12 du/acre) to accommodate a variety of residential densities and housing types. While there is a variety of zone district designations in the proximate area, there is very little R-4 zoning; therefore, Staff finds that there is an inadequate supply of the R-4 zone district and as a result this criterion has been met.

(5) The community or area, as defined by the presiding body, will derive benefits from the proposed amendment.

The community will derive benefits from the proposed rezone by creating an opportunity for future residential development on this property which will provide additional residential housing opportunities for residents of the community. The property is located within the highly desirable Redlands area and near neighborhood commercial centers, elementary and junior high schools, which could contribute positively to employers' ability to attract and retain employees.

The proposed R-4 zoning will provide a transition from the higher densities surrounding the Tiara Rado Golf Course to the large lot development to the south and east. Staff finds this criterion has been met.

Section 21.02.140 of the Grand Junction Zoning and Development Code states that the City may rezone property if the proposed changes are consistent with the vision, goals and policies of the Comprehensive Plan.

This rezone request is consistent with the following vision, goals and/or policies of the Comprehensive Plan:

Guiding Principle 3: Housing Variety—allow, encourage more variety in housing types (more than just large lot single family homes) that will better meet the needs of our diverse population—singles, couples, families, those just starting out, children who have left home, retirees, etc.

Goal 3: The Comprehensive Plan will create ordered and balanced growth and spread future growth throughout the community.

Policy B: Create opportunities to reduce the amount of trips generated for shopping and commuting and decrease vehicle miles traveled thus increasing air quality.

Goal 5: To provide a broader mix of housing types in the community to meet the needs of a variety of incomes, family types and life stages.

Policy A: In making land use and development decisions, the City will balance the needs of the community.

Policy B: Encourage mixed-use development and identification of locations for increased density.

Policy C: Increasing the capacity of housing developers to meet housing demand.

VII. STAFF RECOMMENDATION AND FINDINGS OF FACT

After reviewing the Tiara Rado East Comprehensive Plan Amendment and Rezone (CPA-2018-728 and RZN-2018-729) a request to change the Future Land Use Map designation to Residential Medium Low and rezone to R-4 (Residential, 4 du/acre) 4.27 acres, located at 2064 South Broadway, the following findings of fact have been made:

1. The requested Comprehensive Plan Amendment and Rezone is consistent with the goals and policies of the Comprehensive Plan.
2. More than one of the applicable review criteria in §21.02.130 of the Grand Junction Municipal Code have been met.

3. More than one of the applicable review criteria in §21.02.140 of the Grand Junction Municipal Code have been met.

Therefore, Staff recommends approval.

VIII. RECOMMENDED MOTION

The Planning Commission may approve, approve with conditions, deny or continue these requests. Staff recommends the Planning Commission consider two separate motions for the consideration of the two-part request for the amendment of the Comprehensive Plan and the Rezone, as follows:

Madam Chairman, on the request to amend the Comprehensive Plan as presented in file CPA-2018-728, I move that the Planning Commission forward a recommendation of approval for a Comprehensive Plan Amendment to change the Future Land Use Map designation from "Park" to Residential Medium Low on the 4.27 acres located at 2064 South Broadway with the findings of fact as listed in the staff report.

Madam Chairman, on the request to Rezone the subject property as presented in file RZN-2018-729, I move that the Planning Commission forward a recommendation of approval for a Rezone from CSR (Community Services and Recreation) to R-4 (Residential, 4 du/acre) on the 4.27 acres located at 2064 South Broadway with the findings of fact as listed in the staff report.

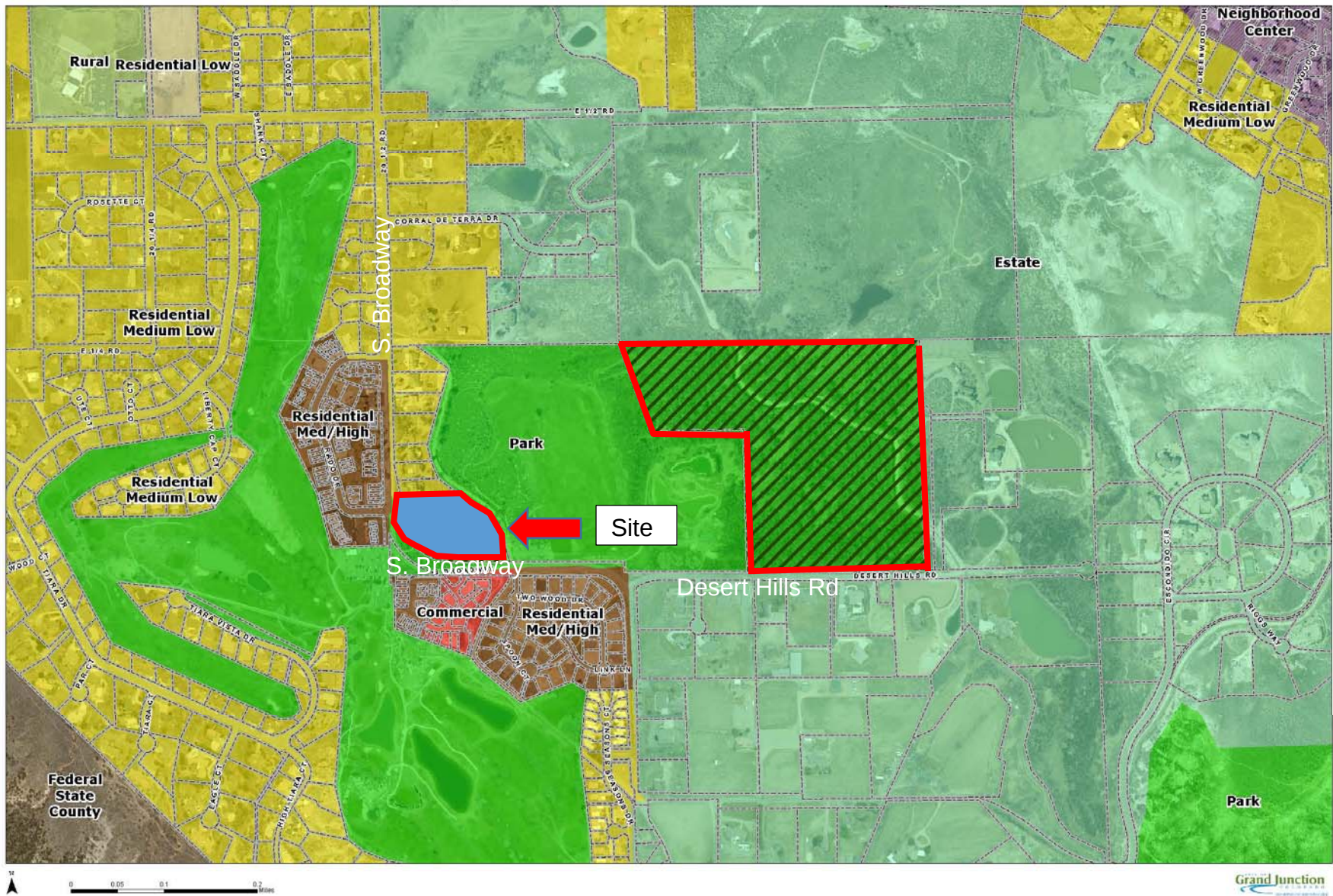
Attachments:

1. Site Location Map
2. Comprehensive Plan Future Land Use Map
3. City / County Existing Zoning Map
4. Site Photos

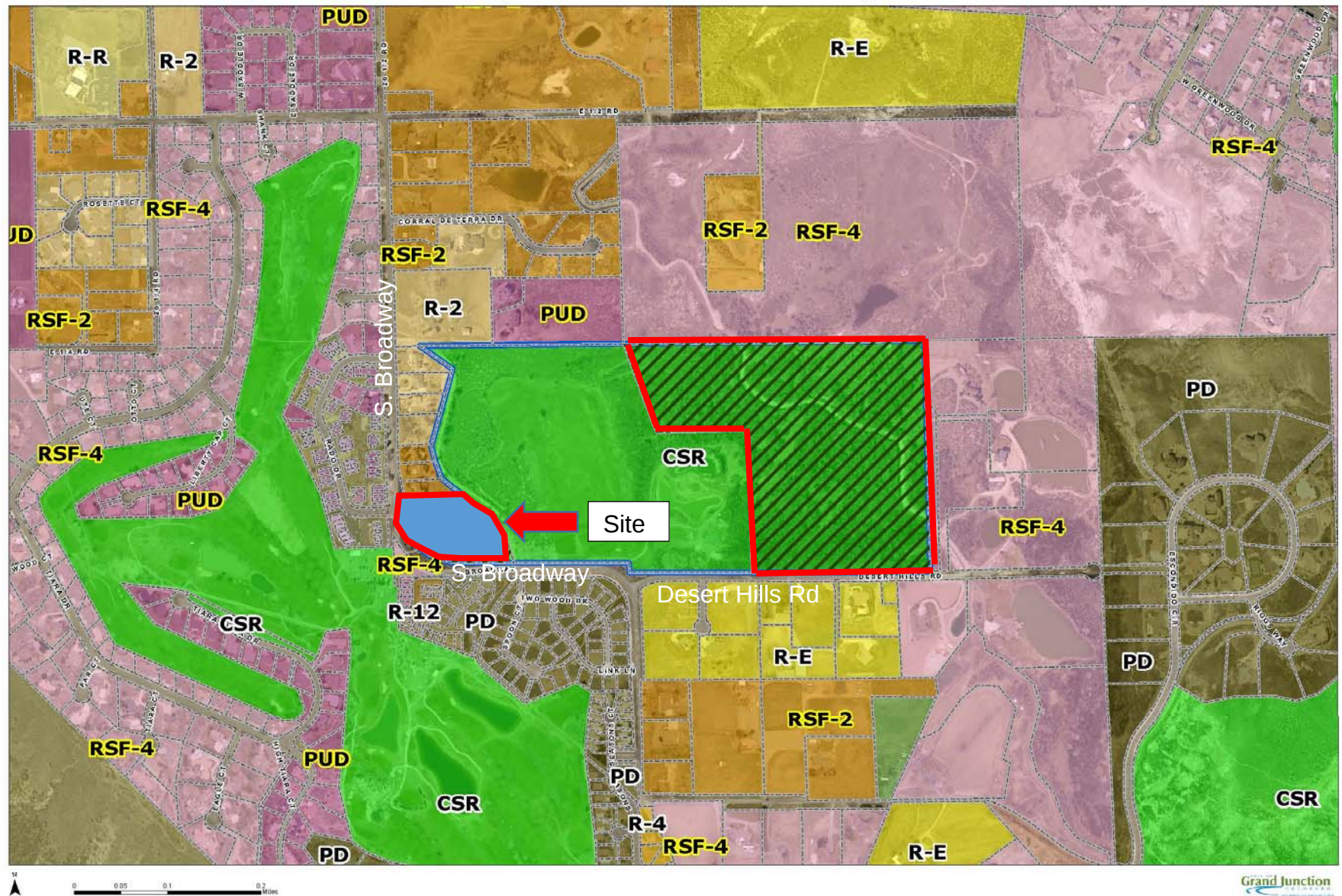
Proposed Tiara Rado East Subdivision



Proposed Tiara Rado East Subdivision - Future Land Use



Proposed Tiara Rado East Subdivision - Zoning





S. Broadway looking North



S. Broadway looking east

CITY OF GRAND JUNCTION, COLORADO

ORDINANCE NO. _____

**AN ORDINANCE AMENDING THE COMPREHENSIVE PLAN FUTURE LAND USE
MAP DESIGNATION TO RESIDENTIAL MEDIUM LOW AND REZONING TO R-4
(RESIDENTIAL, 4 DU/AC) 4.27 ACRES**

LOCATED AT 2064 SOUTH BROADWAY

Recitals

The City owns 80 acres at 2064 South Broadway across from the Tiara Rado Golf Course. Approximately half of the property is being used for the existing driving range and irrigation ponds. The City intends to sell 4.27 acres of the unused property for purposes of future development and is requesting to change the Future Land Use Map designation from Park to Residential Medium Low and rezone the property from CSR (Community Services and Recreation) to R-4 (Residential, 4 du/acre).

After public notice and public hearing as required by the Grand Junction Zoning & Development Code, the Grand Junction Planning Commission recommended approval of amending the Comprehensive Plan Future Land Use Map designation to Residential Medium Low and rezoning the property to the R-4 (Residential, 4 du/ac) zone districts, finding that it conforms with the Comprehensive Plan's goals and policies and is generally compatible with land uses located in the surrounding area.

After public notice and public hearing, the Grand Junction City Council finds that the Residential Medium Low Future Land Use Designation and R-4 (Residential, 4 du/ac) zone district are in conformance with at least one of the stated criteria of Section 21.02.130 and Section 21.02.140 of the Grand Junction Zoning and Development Code.

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

The following property be designated Residential Medium Low and zoned R-4 (Residential, 4 du/ac):

Lot 1 Tiara Rado East Subdivision, Reception Number 2841660, Drawer No. D3-22, Mesa County Clerk and Recorder.

CONTAINING 4.27 Acres, more or less, as described. See Exhibit A.

INTRODUCED on first reading this ____ day of ____, 2018 and ordered published in pamphlet form.

ADOPTED on second reading this __ day of ____, 2019 and ordered published in pamphlet form.

ATTEST:

President of the Council

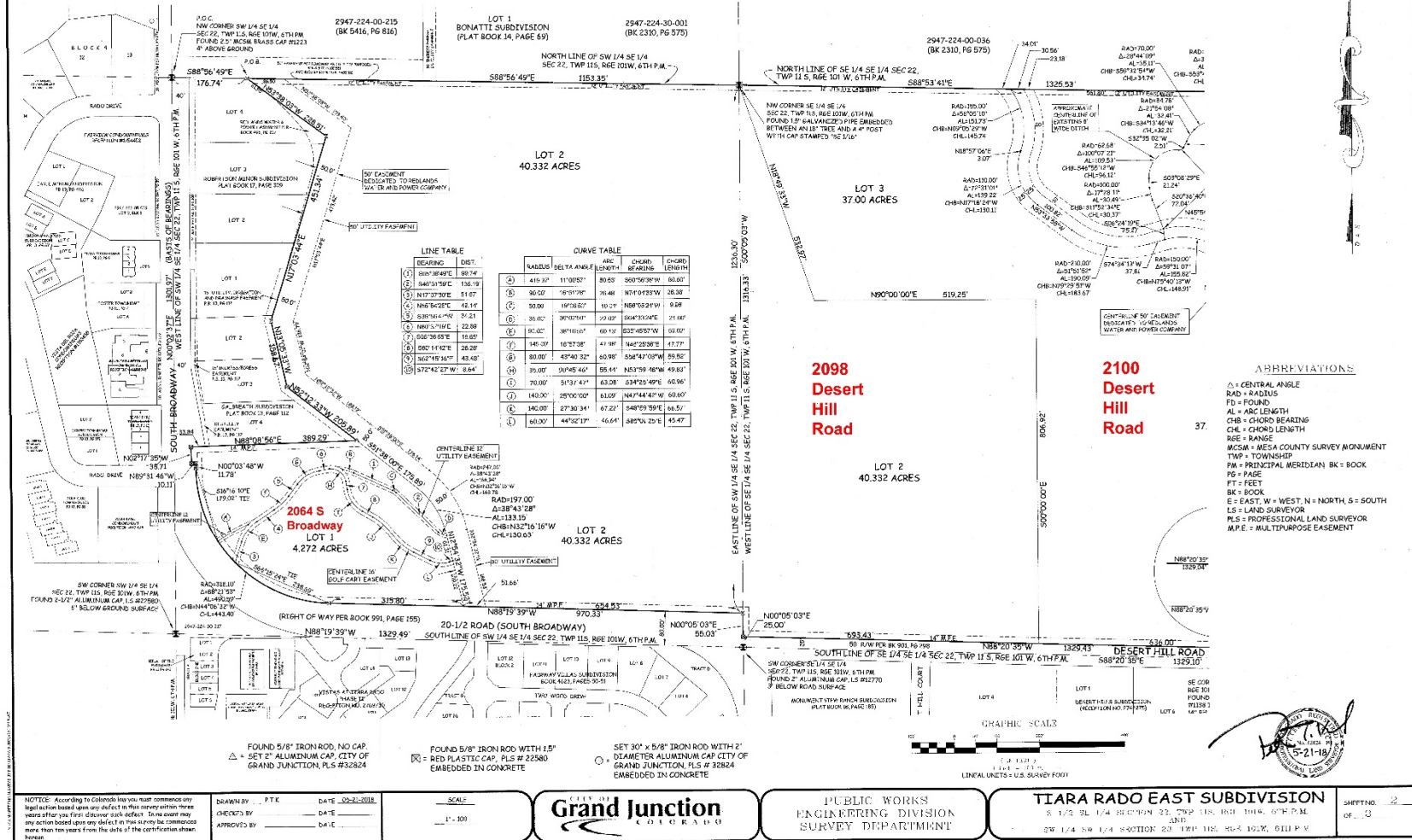
City Clerk

Exhibit A

File ID#: SUB-2018-185
Zoning: CSR
Not in Floodplain

TIARA RADO EAST SUBDIVISION

-1/2 OF SE 1/4 OF SECTION 22 AND SW 1/4 OF SW 1/4 SECTION 23
 TP 11 SOUTH, RANGE 101 WEST, 6TH PRINCIPAL MERIDIAN
 COUNTY OF MESA, STATE OF COLORADO
 SHEET 2 OF 3



[illegible]

PLANNING COMMISSION AGENDA ITEM

Project Name:	Zoning Code Text Amendment, Title 21, Chapters 2, 3, 4, 5 and 6
Applicant:	City of Grand Junction
Address:	City Wide
Zoning:	N/A
Staff:	Kathy Portner
File No.	ZCA-2018-734
Date:	December 11, 2018

I. SUBJECT

Consider a request to amend various sections of the Zoning and Development Code regarding performance standards, accessory dwelling units, flag lots, loop lane setbacks, architectural standards related to garage doors, rezoning and planned development.

II. EXECUTIVE SUMMARY

Staff is proposing amendments to various sections of the Zoning and Development Code to eliminate requirements that have been proven, over time, impractical, difficult or impossible to apply or enforce, and for which there are other safeguards in the Code furthering the intent of the provisions, inconsistencies within the Code, unnecessary regulations or duplicative information.

III. BACKGROUND

In an effort to keep the Zoning and Development Code current and relevant, staff is proposing a number of amendments to simplify, clarify, and eliminate inconsistencies and redundancy. The Planning Commission discussed these topics at its August 9th workshop and directed staff to proceed with the proposed changes.

The proposed amendments are as follows:

Chapter 21.02 Administration and Procedures

Staff is proposing to amend the rezoning section of the Code to better define the criteria for requests to rezone property. Under the current Code, a rezoning can occur if at least one criterion is met. The proposed amendment modifies the criteria to be more pertinent to the considerations important for rezoning and requires that all the criteria be met. The proposed amendments also deletes the Planned Development section in its entirety to eliminate redundancy and inconsistency with Chapter 5.

21.02.140 Rezoning—modifications to the rezone criteria are proposed to include:

1. The subject property is suitable for the proposed zoning classification;
2. The proposed zoning classification is consistent with the Comprehensive Plan;
3. The City and other service providers will be able to provide adequate public facilities and services to the property, while maintaining adequate levels of service to existing development; and
4. The proposed zone district is reasonably compatible with the surrounding land uses and environment.

It also includes the following factors that may be relevant to determining the criteria:

1. Existing uses and zoning of nearby property,
2. Proposed comprehensive plan changes or other property zoning changes in the vicinity,
3. Suitability of the property for uses allowed in the zone district,
4. Compatibility of the uses allowed in the zone district neighboring area,
5. Vacancy or underuse of the property or area,
6. The condition of the property and the area (such as blight, crowding, geographic or topological conditions, valuable natural features or resources, etc.),
7. The community need for land zoned in accordance with the proposed zone district or with the present zone district,
8. Promotes infill or redevelopment goals consistent with the Comprehensive Plan,

21.02.150 Planned Development—deleted in its entirety and referred to 21.05

Chapter 21.03 Zoning Districts

Chapter 3 of the Code outlines the standards and requirements for all the zone districts. The proposed changes eliminate redundancies, clarify uses and setbacks, and deletes maximum number of stories allowed since all zone districts also have a maximum height.

21.03.040(d) R-2 Zone District—clarifies that two-family residential uses are allowed, consistent with the Use/Zone Matrix, and adds the architectural standards for a second dwelling.

21.03.040(e) R-4 Zone District—deletes the requirement that two-family residential uses can only be on corner lots.

21.03.040(g)(2) R-8 Zone District—clarifies that principal structures can have a front yard setback of 15' and garages must be setback 20'; and deletes the provision that garage doors cannot exceed 45 percent of the width of the street facing façade.

21.03.040(h)(2), (i)(2), (j)(2) R-12, R-16 and R-24-- clarifies that principal structures can have a front yard setback of 15' and garages must be setback 20'

21.03.040—the residential district summary table at the end of Section 21.03.040 is amended to delete maximum number of stories restrictions and to increase maximum density in the R-5 zone district from 5.0 to 5.5, increase the minimum density in R-8 from 4 to 5.5 correct the minimum and maximum density for R-4 to 2 and 4.

21.03.040(a) through (j), 21.03.070(a) through (h), and 21.03.080(a) and (c)—the tables listing the bulk standards are deleted in their entirety since it is provided in the summary table.

21.03.080 Mixed Use and Industrial Bulk Standards Summary Table at the end of the section—deletes max. number of stories requirements and corrects side and rear yard setbacks listed to be consistent.

Chapter 21.04 Uses

Proposed changes in Chapter 4 include clarification of the fence regulations and better defining uses allowed in I-O and I-1. Also proposed is to increase the maximum size of an accessory dwelling unit to 900 s.f., which is more consistent with requirements in other communities.

21.04.040(f) Accessory Dwelling Unit—deletes the requirement that one of the units be owner occupied and increases the maximum allowable size from 700 s.f. to 900 s.f.

21.04.040(i) Fences—general clarification and deletion of inconsistencies.

21.04.010 Zone/Use Table—delete retail as an allowed use in I-O and I-1 zone districts since the performance standards in those district only allow for up to 10% to be used as retail.

Chapter 21.05 Planned Development

The proposed amendments to the Planned Development Chapter clarifies the purpose of a PD zone district, long term community benefit, development standards and establishes a lapse zone that will apply in the event the plan is not completed in accordance with the approved development schedule.

Chapter 21.06 Development Standards

Minor modifications are proposed to the standards for flag lot size and the required setbacks on loop lanes, as well as an allowance for non-residential uses along arterial streets that are in a residential zone to utilize the sign standards for commercial zone districts.

21.06.060(f)(2) Flag Lots—deletes the requirement that the “flag” portion of the lot be 20 percent larger than the lot area of the other lots.

21.06.070(h) Sign Standards by Zone—adds a provision allowing non-residential uses along an arterial street to have one monument style sign that meets the requirements of a non-residential zone district.

21.06.100(d) Loop Lane Standards—reduce the setback for front loading garages from 30' to 20'.

The proposed revisions are attached for review in ordinance form with changes shown in underlined and struck through text.

IV. NOTIFICATION REQUIREMENTS

Notice was completed as required by Section 21.02.080(g). Notice of the public hearing was published on December 4, 2018, in the Grand Junction Daily Sentinel.

V. ANALYSIS

In accordance with Section 21.02.140(c), a proposed text amendment shall address in writing the reasons for the proposed amendment. There are no criteria for review because a code amendment is a legislative act within the discretion of the City Council. Reasons for the proposed amendments are provided in the Background section of this report.

VI. STAFF RECOMMENDATION AND FINDINGS OF FACT

Staff finds that the proposed amendments to the Zoning and Development Code are useful in that they eliminate requirements that have been proven, over time, impractical, difficult or impossible to apply or enforce, and for which there are other safeguards in the Code furthering the intent of the provisions, inconsistencies within the Code, unnecessary regulations or duplicative information.

VII. RECOMMENDED MOTION

Madam Chairman, on the Zoning and Development Code Amendments, ZCA-2018-734, I move that the Planning Commission forward a recommendation of approval finding that the amendments eliminate requirements that have been proven, over time, impractical, difficult or impossible to apply or enforce, and for which there are other safeguards in the Code furthering the intent of the provisions, inconsistencies within the Code, unnecessary regulations or duplicative information.

Attachments:

Proposed Ordinances

CITY OF GRAND JUNCTION, COLORADO

ORDINANCE NO. _____

AN ORDINANCE AMENDING PARTS OF THE ZONING AND DEVELOPMENT CODE REGARDING PERFORMANCE STANDARDS OF ZONING DISTRICTS, ACCESSORY DWELLING UNITS, FLAG LOTS, ARCHITECTURAL STANDARDS RELATING TO GARAGE DOORS SO AS TO ELIMINATE UNNECESSARY REGULATION AND RESOLVE INCONSISTENCIES.

Recitals:

The City Council desires to maintain effective zoning and development regulations that implement the vision and goals of the Comprehensive Plan while being flexible and responsive to the community's desires and market conditions and has directed that the Code be reviewed and amended as necessary.

The amendments to the Zoning and Development Code eliminate (1) requirements that have been proven, over time, impractical, difficult or impossible to apply or enforce, and for which there are other safeguards in the Code furthering the intent of the provisions; (2) inconsistencies within the Code; (3) unnecessary regulations; or (4) duplicative information.

After public notice and public hearing as required by the Grand Junction Zoning and Development Code, the Grand Junction Planning Commission recommended approval of the proposed Code amendments.

After public notice and public hearing, the Grand Junction City Council finds that the proposed Code amendments are necessary to maintain effective regulations to implement the Comprehensive Plan.

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

Subsection 21.03.040(d) is amended as follows (deletions struck through, additions underlined):

(1) Purpose. To provide areas for medium-low density, single-family and two-family residential uses where adequate public facilities and services exist.

(2) Performance Standards. Development shall conform to the standards established in this code.

(i) The creation of a two-family dwelling via the construction of a second dwelling unit attached to an existing single-family dwelling shall require that the construction materials and roof pitch of the addition match the construction materials and roof pitch of the existing dwelling and be architecturally compatible with the existing dwelling.

Subsection 21.03.040(e) is amended as follows (deletions struck through, additions underlined):

(1) Purpose. To provide for medium-low density single-family and two-family residential uses where adequate public facilities and services are available. ~~Two-family dwellings may be allowed under special conditions.~~

(2) Performance Standards. Development shall conform to the standards established in this code.

~~(i) In an R-4 district, a two-family dwelling is allowed may be built only on a corner lot and then only if:~~

~~(A) The minimum lot size is 14,000 square feet;~~

~~(B) The garage of each unit fronts on a different street;~~

~~(C) The main entry of each unit fronts on a different street;~~

~~(D) The gross density of the subdivision shall not exceed four dwellings per acre;~~

~~(E) The streets are classified as local streets or a local street and a residential collector; and~~

~~(F) Driveway locations must be in accordance with TEDS (GJMC Title 29).~~

All other parts of Subsection 21.03.040(e)(2) remain unchanged.

Subsection 21.03.040(g)(2), Performance Standards for the R-8 zone district, is amended as follows (deletions struck through):

(2) Performance Standards.

(i) For the purpose of calculating density on parcels smaller than five acres, one-half of the land area of all adjoining rights-of-way may be included in the gross lot area. The area of the right-of-way shall not be included to determine compliance with the minimum lot area requirements.

(ii) The creation of a two-family dwelling via the construction of a second dwelling unit attached to an existing single-family dwelling shall require that the construction materials and roof pitch of the addition match the construction materials and roof pitch of the existing dwelling and be architecturally compatible with the existing dwelling. ~~The attaching of two manufactured homes shall not constitute a two-family dwelling.~~

(iii) Minimum lot size, minimum lot width and minimum lot frontage does not apply to multifamily.

(iv) The front yard setback shall be a minimum of 20 feet for the garage portion of a principal structures and 15 feet for the remainder of the principal structure. ~~with street-facing garages and 15 feet for principal structures with alley loaded garages or with garages located in the rear yard or principal structures with no garage. For corner lots, a 20-foot front yard setback is allowed on the street frontage that the garage faces and a 15-foot setback on the other street frontage that the principal structure faces.~~

~~(v) For all lots created after October 22, 2006, garage doors cannot exceed 45 percent of the width of the street-facing facade on single-family detached dwellings or two-family dwellings. The garage door can be up to a maximum of 60 percent of the street-facing facade if the garage door is recessed at least four feet behind the front facade of the house.~~

The rest of Section 21.03.040(g) shall remain unchanged.

Subsection 21.03.040(h)(2), Performance Standards for the R-12 zone district, is amended as follows (deletions struck through):

(2) Performance Standards.

(i) For purpose of calculating density on parcel, one-half of the land area of all adjoining rights-of-way may be included in the gross lot area.

(ii) The creation of a two-family dwelling via the construction of a second dwelling unit attached to an existing single-family dwelling shall require that the construction materials and roof pitch of the addition match the construction materials and roof pitch of the existing dwelling and be architecturally compatible with the existing dwelling. ~~The attaching of two manufactured homes shall not constitute a two-family dwelling.~~

(iii) Minimum lot size, minimum lot width and minimum lot frontage do not apply to two-family dwellings or multifamily.

(iv) The front yard setback shall be a minimum of 20 feet for the garage portion of a principal structure and 15 feet for the remainder of the principal structures with street-facing garages and 15 feet for principal structures with alley loaded garages or with garages located in the rear yard or principal structures with no garage.

~~(v) For all lots created after October 22, 2006, garage doors cannot exceed 45 percent of the width of the street-facing facade on two-family dwellings. The garage door can be up to a maximum of 60 percent of the street-facing facade if the garage door is recessed at least four feet behind the front facade of the house.~~

The rest of Section 21.03.040(h) shall remain unchanged.

Subsection 21.03.040(i)(2), Performance Standards for the R-16 zone district, is amended as follows (deletions struck through):

(2) Performance Standards.

(i) For purpose of calculating density on any parcel, one-half of the land area of all adjoining rights-of-way may be included in the gross lot area.

The rest of Section 21.03.040(i) shall remain unchanged.

(2) Performance Standards.

(ii) The front yard setback shall be a minimum of 20 feet for the garage portion of a principal structure and 15 feet for the remainder of the principal structure,~~s with street-facing garages and 15 feet for principal structures with alley loaded garages or with garages located in the rear yard or principal structures with no garage.~~

The rest of Section 21.03.040(j) shall remain unchanged.

Residential District Summary Table

[illegible]

Residential District Summary Table

	RR	R-E	R-1	R-2	R-4	R-5	R-8	R-12	R-16	R-24
Front (min. ft.)	20	20	20	20	20	20	20*	20*	20*	20*
Side (min. ft.)	50	15	15	15	7	5	5	5	5	5
Rear (min. ft.)	50	30	30	30	25	25	10	10	10	10
Accessory structure										
Front (min. ft.)	25	25	25	25	25	25	25	25	25	25
Side (min. ft.)	50	5	3	3	3	3	3	3	3	3
Rear (min. ft.)	50	10	10	5	5	5	5	5	5	5
Bulk										
Lot Coverage (max.)	5%	15%	20%	30%	50%	60%	70%	75%	75%	80%
Height (max. ft.)	35	35	35	35	40	40	40	60	60	72
Height (max. stories)	2.5	2.5	2.5	2.5	3	3	3	5	5	6
Density (min. units per acre)	n/a	n/a	n/a	n/a	n/a 2	3	45.5	8	12	16
Density (max. units per acre)	1 unit / 5 acres	1	1	2	24	55.5	8	12	16	n/a
Cluster Allowed	Yes	Yes	Yes	Yes	Yes	Yes	Yes No	No	No	No
Notes										
*20 feet for the garage portion of a principal structure and 15 feet for the remainder of the principal structure										
R-5: Min. lot area varies by building type; detached single-family – 4,000 sf, two-family attached – 3,000 6,000 sf, multifamily – 20,000 sf, civic – 20,000 sf. Min. lot width varies by building type; two-family – 60 ft., all other types – 40 ft.										
R-8: Min. lot area varies by building type; detached single-family 3,000 6,000 sf and two-family attached – 3,000 6,000 sf, multifamily – 20,000 sf, civic – 20,000 sf. Min. lot width varies by building type; two-family – 60 ft., all other types – 40 ft.										
R-12: Min. lot width varies by building type; two-family – 45 ft., all other types – 30 ft.										

The tables in Subsections 21.03.040(a) through (j), Subsections 21.03.070(a) through (h), and Subsections 21.03.080(a) and (c), are deleted in their entirety, as follows (deletions struck through):

(a) **R-R: Residential – Rural.**

Primary Uses			
Detached Single Family, Agricultural, Institutional and Civic			
See GJMC 21.04.010 , Use Table			
-			
Lot		-	
Area (min. acres)		5	
Width (min. ft.)		150	
Frontage (min. ft.)		50	
Frontage on cul-de-sac (min. ft.)		30	
-			
Setback	Principal	-	Accessory
Front (min. ft.)	20	-	25
Side (min. ft.)	50	-	50
Rear (min. ft.)	50	-	50
-			
Bulk		-	-
Lot Coverage (max.)		5%	
Height (max. ft.)		35	
Height (max. stories)		2.5	
Density (max.)		1 unit/5 acres	
Cluster Allowed		Yes	

(b) **R-E: Residential – Estate.**

Primary Uses	
Detached Single Family, Civic	
See GJMC 21.04.010 , Use Table	
-	
Lot	
-	
Area (min. acres)	1
Width (min. ft.)	100
Frontage (min. ft.)	50

Frontage on cul-de-sac (min. ft.)	30		
-			
Setback	Principal	-	Accessory
Front (min. ft.)	20	-	25
Side (min. ft.)	15	-	5
Rear (min. ft.)	30	-	10
-			
Bulk	-	-	-
Lot Coverage (max.)	15%		
Height (max. ft.)	35		
Height (max. stories)	2.5		
Density (max.)	1 unit/1 acre		
Cluster Allowed	Yes		

(c) **R-1: Residential – 1.**

Primary Uses			
Detached Single-Family, Civic			
See GJMC 21.04.010 , Use Table			
-			
Lot	-		
Area (min. sq. ft.)	30,000		
Width (min. ft.)	100		
Frontage (min. ft.)	50		
Frontage on cul-de-sac (min. ft.)	30		
-			
Setback	Principal	-	Accessory
Front (min. ft.)	20	-	25
Side (min. ft.)	15	-	3
Rear (min. ft.)	30	-	10
-			
Bulk	-	-	-

Lot Coverage (max.)	20%
Height (max. ft.)	35
Height (max. stories)	2.5
Density (max.)	1 unit/acre
Cluster Allowed	Yes

(d) **R-2: Residential – 2.**

Primary Uses			
Detached Single-Family, Two-Family Dwelling, Civic			
See GJMC 21.04.010 , Use Table			
-			
Lot			
Area (min. sq. ft.)		15,000	
Width (min. ft.)		100	
Frontage (min. ft.)		50	
Frontage on cul-de-sac (min. ft.)		30	
-			
Setback	Principal	-	Accessory
Front (min. ft.)	20	-	25
Side (min. ft.)	15	-	3
Rear (min. ft.)	30	-	5
-			
Bulk			
-		-	
-		-	
Lot Coverage (max.)		30%	
Height (max. ft.)		35	
Height (max. stories)		2.5	
Density (max.)		2 units/acre	
Cluster Allowed		Yes	

(e) **R-4: Residential – 4.**

Primary Uses			
Detached Single Family, Two Family Dwelling, Civic			
See GJMC 21.04.010 , Use Table			
-			
Lot		-	
Area (min. sq. ft.)		7,000	
Width (min. ft.)		70	
Frontage (min. ft.)		20	
-			
Setback	Principal	-	Accessory
Front (min. ft.)	20	-	25
Side (min. ft.)	7	-	3
Rear (min. ft.)	25	-	5
-			
Bulk		-	-
Lot Coverage (max.)		50%	
Height (max. ft.)		40	
Height (max. stories)		3	
Density (min.)		2 units/acre	
Density (max.)	-	4 units/acre	
Cluster Allowed		Yes	

(g) **R-8: Residential – 8.**

Primary Uses	
Detached Single Family, Two Family Dwelling, Multifamily, Civic	
See GJMC 21.04.010 , Use Table	
-	
Lot	
Area – Detached Single Family (min. sq. ft.)	3,000
Area – Two Family, Attached (min. sq. ft.)	6,000
Area – Multifamily (min. sq. ft.)	20,000

Area — Civic (min. sq. ft.)		20,000	
Width (min. ft.)		40	
Width — Two-Family (min. ft.)		60	
Frontage (min. ft.)		20	
-			
Setback		Principal	- Accessory
Front (min. ft.)	20	-	25
Side (min. ft.)	5	-	3
Rear (min. ft.)	10	-	5
-			
Bulk		-	-
Lot Coverage (max.)		70%	
Height (max. ft.)		40	
Height (max. stories)		3	
Density (min.)		5.5 units/acre	
Density (max.)	-	8 units/acre	
Cluster Allowed		No	

(h) **R-12: Residential – 12.**

Primary Uses			
Two-Family Dwelling, Multifamily, Civic			
See GJMC 21.04.010 , Use Table			
-			
Lot		-	
Area (min. sq. ft.)		n/a	
Width (min. ft.)		30	
Width — Two-Family (min. ft.)		45	
Frontage (min. ft.)		20	
-			
Setback	Principal	-	Accessory
Front (min. ft.)	20	-	25

Side (min. ft.)	5	-	3
Rear (min. ft.)	10	-	5
-			
Bulk	-	-	-
Lot Coverage (max.)		75%	
Height (max. ft.)		60	
Height (max. stories)		5	
Density (min.)		8 units/acre	
Density (max.)	-	12 units/acre	
Cluster Allowed		No	

i) **R-16: Residential – 16.**

Primary Uses			
Multifamily, Civic			
See GJMC 21.04.010 , Use Table			
-			
Lot			
-			
Area (min. sq. ft.)	n/a		
Width (min. ft.)	30		
Frontage (min. ft.)	20		
-			
Setback		Principal	-
Accessory			
Front (min. ft.)	20	-	25
Side (min. ft.)	5	-	3
Rear (min. ft.)	10	-	5
-			
Bulk		-	-
-			
Lot Coverage (max.)	75%		
Height (max. ft.)	60		
Height (max. stories)	5		
Density (min.)	12 units/acre		

Density (max.)	-	16 units/acre
Cluster Allowed		No

(j) **R-24: Residential – 24.**

Primary Uses			
Multifamily, Civic			
See GJMC 21.04.010 , Use Table			
-			
Lot		-	
Area (min. sq. ft.)		n/a	
Width (min. ft.)		30	
Frontage (min. ft.)		20	
-			
Setback	Principal	-	Accessory
Front (min. ft.)	20	-	25
Side (min. ft.)	5	-	3
Rear (min. ft.)	10	-	5
-			
Bulk		-	-
Lot Coverage (max.)		80%	
Height (max. ft.)		72	
Height (max. stories)		6	
Density (min.)		16 units/acre	
Density (max.)	-	No maximum	
Cluster Allowed		No	

21.03.070 Mixed use districts.

(a) **R-O: Residential Office.**

Primary Uses
Professional Offices, Detached Single Family, Two Family Dwelling, Multifamily, Civic

See GJMC 21.04.010 , Use Table			
-			
Lot			
Area (min. sq. ft.)		5,000	
Width (min. ft.)		50	
-			
Setback	Principal	-	Accessory
Front (min. ft.)	20	-	25
Side (min. ft.)	5	-	3
Rear (min. ft.)	10	-	5
-			
Bulk			
		-	-
Lot Coverage (max.)		70%	
Height (max. ft.)		40	
Height (max. stories)		3	
Density (min.)		4 units/acre	
Density (max.)	-	No max. residential density	
Building Size (max. sf)		10,000	

(b) **B-1: Neighborhood Business.**

Primary Uses			
Offices, Retail, Services			
See GJMC 21.04.010 , Use Table			
-			
Lot		-	
Area (min. sq. ft.)	10,000		
Width (min. ft.)	50		
Frontage (min. ft.)	n/a		
-			
Setback	Principal	-	Accessory
Front (min. ft.)	20	-	25

Side (min. ft.)	0	-	0
Side abutting residential (min. ft.)	10	-	5
Rear (min. ft.)	15	-	15
-			
Bulk	-	-	-
Lot Coverage (max.)		n/a	
Height (max. ft.)		40	
Height (max. stories)		3	
Density (min.)		8 units/acre	
Density (max.)	-	16 units/acre	
Building Size (max. sf)		15,000 for retail unless a CUP is approved 30,000 for office	

(c) **B-2: Downtown Business.**

Primary Uses			
Offices, Retail, Civic, Government, Services, Residential			
See GJMC 21.04.010 , Use Table			
-			
Lot			
-			
Area (min. sq. ft.)		n/a	
Width (min. ft.)		n/a	
Frontage (min. ft.)		n/a	
-			
Setback		Principal	-
Accessory			
Front (min. ft.)	0	-	25
Side (min. ft.)	0	-	0
Rear (min. ft.)	0	-	0
Parking Setback	30	-	6
-			
Bulk			
-		-	-
First Floor Min. Height		15	

Lot Coverage (max.)		n/a
Height (max. ft.)		80
Height (max. stories)		5
Density (min.)		8 units/acre
Density (max.)	-	No max. residential density

(d) **C-1: Light Commercial.**

Primary Uses				
Offices, Retail, Services				
See GJMC 21.04.010 , Use Table				
-				
Lot		-		
Area (min. sq. ft.)		20,000		
Width (min. ft.)		50		
Frontage (min. ft.)		n/a		
-				
Setback		Principal	-	Accessory
Front (min. ft.)		15	-	25
Side (min. ft.)		0	-	0
Side abutting residential (min. ft.)		10	-	5
Rear (min. ft.)		10 (0 alley)	-	10 (0 alley)
-				
Bulk		-	-	-
Lot Coverage (max.)		n/a		
Height (max. ft.)		40±		
Height (max. stories)		3		
Density (min.)		12 units/acre		
Density (max.)		-	24 units/acre	
Building Size (max. sf)		n/a		

(e) **C-2: General Commercial.**

Primary Uses			
General Retail and Services			
See GJMC 21.04.010 , Use Table			
-			
Lot			
Area (min. sq. ft.)		20,000	
Width (min. ft.)		50	
Frontage (min. ft.)		n/a	
-			
Setback	Principal	-	Accessory
Front (min. ft.)	15	-	25
Side (min. ft.)	0	-	0
Side abutting residential (min. ft.)	10	-	5
Rear (min. ft.)	10	-	10
-			
Bulk			
-		-	-
Lot Coverage (max.)		n/a	
Height (max. ft.)		40	
Height (max. stories)		3	
Building Size (max. sf)		n/a	

(f) **CSR: Community Services and Recreation.**

Primary Uses	
Parks, Open Space, Schools, Libraries, Recreational Facilities	
See GJMC 21.04.010 , Use Table	
-	
Lot	
-	
Area (min. acres)	1
Width (min. ft.)	100
Frontage (min. ft.)	n/a
-	

Setback	Principal	-	Accessory
Front (min. ft.)	15	-	25
Side (min. ft.)	0	-	5
Side abutting residential (min. ft.)	10	-	5
Rear (min. ft.)	10	-	5
-			
Bulk	-	-	-
Lot Coverage (max.)	n/a		
Height (max. ft.)	65		
Height (max. stories)	5		
Height abutting residential (max. ft.)	40		
Building Size (max. sf)	n/a		

(g) **M-U: Mixed Use.**

Primary Uses			
Employment, Residential, Limited Retail, Open Space			
See GJMC 21.04.010 , Use Table			
-			
Lot		-	
Area (min. acres)	1		
Width (min. ft.)	100		
Frontage (min. ft.)	n/a		
-			
Setback	Principal	-	Accessory
Front (min. ft.)	15	-	25
Side (min. ft.)	0	-	15
Side abutting residential (min. ft.)	10	-	5
Rear (min. ft.)	10	-	25
-			
Bulk		-	-
Lot Coverage (max.)	n/a		

Height (max. ft.)	65
Height (max. stories)	5
Density (min.)	8 units/acre
Density (max.)	24 units/acre
Building Size (max. sf)	n/a

(h) **BP: Business Park Mixed Use.**

Primary Uses			
Employment, Light Manufacturing, Multifamily, Commercial Services			
See GJMC 21.04.010 , Use Table			
-			
Lot			
-			
Area (min. acres)	1		
Width (min. ft.)	100		
Frontage (min. ft.)	n/a		
-			
Setback	Principal	-	Accessory
Front (min. ft.)	15	-	25
Side (min. ft.)	0	-	15
Side abutting residential (min. ft.)	10	-	5
Rear (min. ft.)	10	-	25
-			
Bulk			
-			
-			
-			
Lot Coverage (max.)	n/a		
Height (max. ft.)	65		
Height (max. stories)	5		
Density (min.)	8 units/acre		
Density (max.)	24 units/acre		
Building Size (max. sf)	n/a		

21.03.080 Industrial districts.

(a) **I-O: Industrial/Office Park.**

Primary Uses			
Light Manufacturing, Office, Commercial Services			
See GJMC 21.04.010 , Use Table			
-			
Lot		-	
Area (min. acres)	1		
Width (min. ft.)	100		
Frontage (min. ft.)	n/a		
-			
Setback	Principal	-	Accessory
Front (min. ft.)	15	-	25
Side (min. ft.)	0	-	15
Side abutting residential (min. ft.)	10	-	5
Rear (min. ft.)	10	-	25
-			
Bulk		-	-
Lot Coverage (max.)	n/a		
Height (max. ft.)	65		
Height (max. stories)	5		
Building Size (max. sf)	n/a		

(b) **I-1: Light Industrial.**

Primary Uses	
Manufacturing, Office, Commercial Services	
See GJMC 21.04.010 , Use Table	
-	
Lot	
-	
Area (min. acres)	1
Width (min. ft.)	100
Frontage (min. ft.)	n/a

-			
Setback	Principal	-	Accessory
Front (min. ft.)	15	-	25
Side (min. ft.)	0	-	5
Side abutting residential (min. ft.)	10	-	5
Rear (min. ft.)	10	-	10
-			
Bulk	-	-	-
Lot Coverage (max.)	n/a		
Height (max. ft.)	50		
Height (max. stories)	4		
Building Size (max. sf)	n/a		

(c) **I-2: General Industrial.**

Primary Uses			
Manufacturing, Office, Commercial Services			
See GJMC 21.04.010 , Use Table			
-			
Lot -			
Area (min. acres)		1	
Width (min. ft.)		100	
Frontage (min. ft.)		n/a	
-			
Setback		Principal	- Accessory
Front (min. ft.)		15	- 25
Side (min. ft.)		0	- 0
Rear (min. ft.)		10	- 10
-			
Bulk - - -			
Lot Coverage (max.)		n/a	
Height (max. ft.)		50	

Height (max. stories)	4
-----------------------	---

The other parts of Subsections 21.03.040(a) through (j), Subsections 21.03.070(a) through (h), and Subsections 21.03.080(a) through (c), shall remain in effect and unchanged, except as otherwise specifically amended in this Ordinance.

Subsection 21.04.040(f) providing performance standards for accessory dwelling units is amended as follows (deletions struck through, additions underlined):

(f) **Accessory Dwelling Unit.** ~~Accessory~~ An accessory dwelling unit (ADU) is allowed only in conjunction with a single-family use and only on a lot of 3,000 square feet or more. The ADU is not included in the density calculation. The ADU must ~~shall~~ comply with the following standards:

- (1) ~~One~~ No more than one ~~accessory dwelling unit (unit)~~ ADU ~~may be~~ is allowed in conjunction with a single-family use.
- (2) The design and location of the ~~unit~~ ADU shall be clearly subordinate to the principal structure.
- ~~(3) The unit can only be located on a lot or parcel of 3,000 square feet or more.~~
- ~~(4) The unit shall not be included in the zoning or land use density calculation.~~
- ~~(5) Either the principal structure or the unit shall be owner-occupied, except in the R-8, R-12, R-O and B-2 zone districts.~~
- ~~(6)~~ (3) The ~~unit~~ ADU must meet all requirements of the building and fire codes.
- ~~(7)~~ (4) One additional off-street parking space shall be provided for the ADU ~~per unit is required, in addition to the spaces otherwise required.~~
- ~~(8)~~ (5) The ~~unit~~ ADU shall share utility meters with the principal structure, except where the utility provider requires separate meters for an accessory dwelling unit.
- ~~(9)~~ (6) The ~~unit~~ ADU shall not be more than ~~700~~ 900 square feet ~~or 50 percent of the floor area of the primary residence.~~
- ~~(10)~~ (7) The ~~unit~~ ADU shall be integrated into the site by appropriate site grading, earthwork and landscaping and be harmonious with the character of the neighborhood.
- ~~(11)~~ (8) The outside appearance of the principal structure shall not be changed from that of a single-family residence.

~~(12)~~ (9) Private entrances to ~~the accessory dwelling units~~ ADU shall be located on the side or rear of the residence and shall not be located on the same side of as the primary residence's entrance.

~~(13)~~ (10) ~~The Accessory dwelling units~~ ADU shall not be located in front of the principal structure.

~~(14)~~ (11) The design and construction material ~~used in an accessory dwelling unit~~ of the ADU shall be complementary to those of the principal structure.

~~(15)~~ ~~Minor site plan review shall be required.~~

A planning clearance is required to establish an accessory dwelling unit; to obtain a planning clearance, the applicant must demonstrate that the unit will meet all the foregoing standards, limitations and requirements.

Section 21.04.040(i) (Fences) is amended as follows (deletions struck through, additions underlined):

(i) Fences. A fence permit is required for installation of any fence, except that a fence or wall that exceeds six feet in height and a retaining wall of four feet or higher is considered a structure requiring a planning clearance and building permit rather than a fence permit, and setbacks for structures apply (except where otherwise specifically provided). All fences, including those considered structures, shall meet the standards, limitations and requirements of this section, and shall comply with the Transportation, Engineering and Design Standards (TEDS) of this Code.

~~(1)~~ ~~General Standards.~~

~~(i)~~ ~~The Director shall review fences proposed under this subsection in accordance with special permit criteria. See GJMC 21.02.120(c).~~

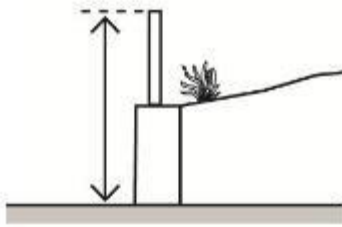
~~(ii)~~ ~~All fences shall meet all TEDS (GJMC Title 29) requirements.~~

~~(iii)~~ ~~A fence or wall that exceeds six feet in height and a retaining walls four feet or higher are considered a structure and require a planning clearance and building permit instead of a fence permit, and shall comply with the International Building Code and all required setbacks.~~

~~(iv)~~ ~~Variation in required setbacks can be considered in accordance with GJMC 21.02.070, Administrative development permits.~~

~~(2)~~ (1) Fence Height Measurement.

(i) The height of fences shall be determined by measurement from the ground level upon which the fence is located. Grade shall not be altered for the sole purpose of increasing fence height. An increase of up to two inches in height shall be allowed when spacing for drainage under the fence is needed.



(ii) For fences erected on retaining walls, the height of the retaining wall shall be included in the height of the fence.

(iii) Pillars or other support structures for a fence shall be allowed to exceed the maximum fence height by up to one foot at intervals no closer than eight feet.

(iv) The height and location requirements of this subsection may be modified as part of subdivision, planned development or conditional use approval.

~~(3)~~ (2) Fence Materials.

(i) Fences and walls shall be constructed of materials approved by the Director.

(ii) Acceptable materials include wire, wrought iron, plastic, wood and other materials with a similar look.

(iii) Unacceptable materials that are visible include glass, tires, razor wire and concertina wire, or unconventional salvaged materials or similar materials. Electric fencing shall be allowed to contain large animals.

(iv) The Director may approve materials for security facilities.

~~(4)~~ (3) Residential Districts. Fences in all residential zones, including the residential office (R-O) district, shall meet the following standards:

(i) Fences in the required front yard setback shall not exceed 30 inches in height. Such fences may be increased to 48 inches maximum height if the fencing material is at a ratio of two-thirds open space to one-third closed space per square foot for that part of the fence extending above the 30-inch height.

(ii) Unless the approval of the development required a landscape strip, fences up to six feet in height are permitted within front yard setbacks along arterial or major collector roads, except those portions within a designated Neighborhood Center, Village Center, Downtown or Mixed Use Opportunity Corridor on the Future Land Use Map of the Comprehensive Plan, provided they are in accordance with adopted corridor overlay zone standards, TEDS (GJMC Title [29](#)) and all other engineering standards and meet the following minimum standards:

(A) Fences or walls four feet or less in height consisting of an open design that has at least two-thirds open space to one-third closed space (e.g., picket and split rail fences), or a decorative wall, with no required landscape strip;

(B) Fences or walls over four feet in height with a minimum five-foot-wide planting strip between the fence or wall and right-of-way. The landscaped strip shall contain at least one tree per 40 feet and have adequate ground cover; or

(C) Perimeter fences and walls in new developments must meet the requirements of GJMC [21.06.040\(g\)](#), Residential Subdivision Perimeter Enclosures.

(iii) On that part of the lot other than the required front yard setback area, fences may be erected to six feet in height. Fences within a required principal structure setback exceeding six feet in height require a special permit (see GJMC [21.02.120](#)). Fences meeting principal structure setbacks shall not exceed eight feet in height without a special permit.

(iv) On corner lots, that part of a backyard fence that extends to and along the side property line on the street side may be six feet high, but are subject to the provisions of TEDS (GJMC Title [29](#)) and other engineering standards.

~~(5)~~ (4) Nonresidential Districts. Fences in all nonresidential districts shall meet the following standards.

(i) Location of these fences must be approved by the City Engineer to ensure that adequate sight distance is maintained.

(ii) On those sites located within a designated Neighborhood Center, Village Center, Downtown or Mixed Use Opportunity Corridor on the Future Land Use Map of the Comprehensive Plan, fences in the required front yard setback area shall not exceed 30 inches in height. Such fences may be increased to 48 inches maximum height if the fencing material is at a ratio of two-thirds open space to one-third closed space per square foot for that part of the fence extending above the 30-inch height.

(iii) In all other nonresidential district locations, fences to a height of six feet shall be located outside the front yard setback. Fences which are 30-inch solid height or four feet in height if two-thirds open may be located within the front yard setback. The addition of not more than three strands of barbed wire shall be allowed and shall not be considered in the height calculation.

~~(6)~~ (5) Maintenance.

~~(i) All fences or and walls and associated landscaping shall be adequately maintained in good repair. Provisions for adequate maintenance shall be proposed with the development.~~

Fences in common areas of subdivisions shall be so maintained by the property owners' association.

Subsection 21.06.060(f)(2) (subdivision standards, lot layout and design, flag lots) shall be amended as follows:

(2) Flag Lots.

(i) Each flag lot shall have at least 25 feet of street frontage; provided, that the Director may require an access easement 50 feet wide where public right-of-way may be needed to access future development. Said easement and irrevocable offer of dedication of right-of-way 50 feet wide shall run the full depth of the lot or lots.

(ii) The use of flag lots is discouraged. If no reasonable design alternative exists, the Director may allow one flag lot in a subdivision of four or fewer lots. If no reasonable design alternative exists, not more than 15 percent (round any fraction down to the next whole number) of the lots within a subdivision containing five or more lots are to be flag lots. If allowed, flag lots must be paired with the "poles" abutting to require the use of a common driveway. No more than two flag lots shall be contiguous.

(iii) The "flag" portion of a flag lot shall ~~be at least 20 percent larger than the lot area of non-flag lots located in the same filing of the subdivision~~ meet the minimum lot size of the applicable zone district. For purposes of this area calculation, the area of the "pole" is not counted. The decision-maker may increase the setbacks for the "flag portion" of a flag lot, to be noted on the plat.

(iv) Driveways shall be designed to allow vehicles to exit driving forward.

(v) As an alternative to paired flag lots, the Director may require a shared driveway if it meets the shared driveway standards.

The remaining parts of Section 21.06.060 shall remain unchanged.

Section 21.06.070(h) regarding sign standards by zone district shall be amended as follows (additions underlined, deletions struck through):

(h) **Sign Standards by Zone.** The following restrictions and requirements apply to permanent signs in the given zone districts: Regardless of the zone district, property containing a non-residential use that abuts an arterial street may be permitted to have one monument style sign on one such frontage that meets the requirements of Subsection (3) below (Business, Commercial and Industrial Zones).

(1) Residential Zones.

(i) One permanent sign per residential lot not exceeding six square feet in area is allowed, subject to the standards below.

(ii) One permanent monument sign up to 32 square feet in area is allowed at a multifamily apartment/condominium building/complex and on each common area parcel that abuts a public right-of-way; for purposes of this subsection, "common area parcel" means a parcel that is owned by a homeowners' association for the benefit of all lot owners in a planned community, common interest community or condominium.

(iii) For a nonresidential use in a residential zone, one sign not to exceed 24 square feet in area is allowed per street frontage.

(iv) Location. Permitted signs may be anywhere on the property. If freestanding, the top shall not be over eight feet above the ground. If building mounted, the sign shall be flush-mounted and shall not be mounted on a roof of the building or project above the roof line.

(v) Illumination. Indirect or internal illumination only shall be utilized for letter faces and/or logos.

(2) Residential Office Zone.

(i) General. The residential office zone provides a transition from residential to commercial development and consequently requires more restrictive sign regulations to maintain compatibility.

(ii) Types Allowed. Flush wall signs and monument signs shall be the only sign types allowed.

(iii) Location and Size. Signs shall be located at least 10 feet behind the front property line. Total sign area shall not exceed 25 square feet per street frontage. The sign allowance for one street frontage may be transferred to a side of a building that has no street frontage, but cannot be transferred to another street frontage. Monument signs shall not exceed eight feet in height.

(iv) Illumination. Signs may be externally illuminated; no other illumination of signs is allowed. All lights used for illumination of signs shall be arranged so as to confine direct light beams to the lighted sign and away from adjacent residential properties and out of the direct vision of motorists passing on adjacent streets. Illumination of signs shall comply with GJMC [21.06.080](#), Outdoor lighting, and shall be limited to authorized business hours.

(v) Sign Area. The area of flush wall signs and monument signs shall be calculated as per the graphics shown under subsection (g)(2) of this section.

(3) Business, Commercial, Industrial Zones (B-1, B-2, C-1, C-2, I-O, BP, M-U, I-1, I-2, and AE (formerly PAD)).

(i) General. This subsection shall apply to all zones designated in Chapter [21.03](#) GJMC as business, commercial, industrial or any variety of these types.

(ii) Types Allowed. Signs in the business, commercial, and industrial zones may include facade signs, flush wall signs, freestanding signs, projecting signs and roof signs. All signs allowed in residential zones are also allowed in business, commercial or industrial zones.

(iii) Location and Size. Permitted signs may be anywhere on the premises except as specifically restricted in this subsection (see specific sign type and pertinent zoning regulation). The total amount of signage to be allowed on any property shall not exceed the sign allowance as calculated in accordance with subsection (h)(3)(v)(B) or (h)(3)(vii)(B) of this section, whichever is greater. No single sign may be larger than 300 square feet. No projecting sign may exceed the allowances in subsection (h)(3)(vi) of this section.

(iv) Illumination. Unless specifically prohibited, all of the following signs may be illuminated within the limits allowed under subsection (g)(3) of this section and GJMC [21.06.080](#):

(v) Facade Signs, Flush Wall Signs and Roof Signs.

(A) The sign allowance shall be calculated on the basis of the area of the one building facade that is most nearly parallel to the street that it faces. Each building facade which faces a dedicated public street shall have its own separate and distinct sign allowance. The sign allowance for facade signs and flush wall signs on buildings located on interior lots (lots not on a corner) which are oriented perpendicular to the street shall be based on the longer building facade. The total sign allowance, or any percentage thereof, of one frontage may be transferred to a building facade that has no frontage on a dedicated public street, provided the transferred amount does not exceed two square feet of sign area per linear foot of the facade on which it is being placed.

(B) Two square feet of sign area shall be allowed for each linear foot of building facade for facade signs, flush wall signs and roof signs. The measurement of a roof sign shall be based on the square footage of each sign face. Flush wall signs may extend up to 12 inches from the face of the building if the base of the sign is at least eight feet above ground level. (Show window signs in a window display of merchandise when incorporated with such display will not be considered part of the total sign allowance.)

(C) On any building which allows facade signs, flush wall signs, roof signs, or projecting signs, a maximum of two of these types may be used. If a flush wall sign and roof sign are used, the sign allowance of two square feet per linear foot of building may be divided between the two types of signs. If either a flush wall sign or roof sign and a

projecting sign are used, the allowance for the projecting sign shall be subtracted from the flush wall sign or roof sign allowance.

(D) Roof signs shall be manufactured such that no guy wires, braces, or secondary supports shall be visible. Maximum height for roof signs shall be such that height of the structure and the sign together do not exceed the maximum height for the zone district.

(E) One sign that is flush-mounted on the rear facade of a structure that is no more than 16 square feet in area is allowed, which sign does not count toward the total sign allowance for the parcel or building (if there is more than one such sign, the other(s) shall count toward the total sign allowance).

(vi) Projecting Signs. Signs may project up to 72 inches from the face of the building if located eight feet or more above grade. They shall not project beyond the back of curb, nor within two feet of the edge of the roadway if there is no curb. Total area per sign face shall not exceed one-half square foot per linear foot of building facade. If the projecting sign is the only sign mounted on the building, the minimum sign allowance shall be 12 square feet.

(vii) Freestanding Signs. Freestanding signs shall comply with the following requirements:

(A) No more than one freestanding sign shall be permitted for any parcel for each street frontage. The sign allowance per frontage can only be used on that frontage and shall not be transferred to any other frontage, except where otherwise provided.

(B) Maximum sign allowance shall be calculated by the linear front foot of property on a public street right-of-way in conformance with the following:

- a. Two traffic lanes: Maximum area of sign per face per front foot of property, three-quarters square foot; maximum height, 25 feet.
- b. Four or more traffic lanes: Maximum area of sign per face per front foot of property, one and one-half square feet; maximum height, 40 feet.

(C) Signs may be installed at street right-of-way line. The sign face may project up to 72 inches into the right-of-way, if located 14 feet or more above grade, but shall not project closer than 24 inches to the back of the curb. If the existing street right-of-way width is less than that required in this code, the distance shall be measured from the line of such right-of-way as required by this code rather than from the existing right-of-way line. Ute and Pitkin Avenues shall be calculated using four lanes.

(D) On a corner lot, a freestanding sign shall not be placed within the sight distance triangle, as defined in TEDS (GJMC Title [29](#)), unless free air space is maintained as

[illegible]

Mixed Use and Industrial Bulk Standards Summary Table

	R-O	B-1	B-2	C-1	C-2	CSR	M-U	BP	I-O	I-1	I-2
Side (min. ft.)	3	0	0	0	0	<u>50</u>	<u>150</u>	<u>150</u>	<u>150</u>	<u>50</u>	0
Side – abutting residential (min. ft.)	n/a	5	n/a	5	5	5	5	5	5	5	n/a
Rear (min. ft.)	5	15	0	10	10	<u>510</u>	<u>2510</u>	<u>2510</u>	<u>2510</u>	10	10
Other Dimensional Requirements											
Lot Coverage (max.)	70%	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
Height (max. ft.)	40	40	80	40	40	65	65	65	65	50	50
Height (max. stories)	3	3	5	3	3	5	5	5	5	4	4
Density (min. units per acre)	4	8	8	12	n/a	n/a	8	8	n/a	n/a	n/a
Density (max. units per acre)	n/a	16	n/a	24	n/a	n/a	24	24	n/a	n/a	n/a
Building size (max. sf)	10,000	15,000	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
Notes											
B-1: Max. building size varies by use; retail – 15,000 sf (unless a CUP is approved), office 30,000 B-2: Parking setback for principal structure – 30 ft., for accessory 6 ft.; first floor min. height – 15 ft. C-1: Min. rear setback – 0 if an alley is present <u>CSR: Maximum building height abutting residential—40 ft.</u>											

Section 21.06.100(d) regarding loop lane standards shall be amended as follows (additions underlined, deletions struck through):

(d) **Loop Lane Standards.** A loop lane is an alternate street design that provides a turnaround in place of a cul-de-sac. The loop lane is desirable because it allows for additional open space/park area instead of an expanse of asphalt paving found in a standard cul-de-sac. Loop lanes shall comply with the following standards. Any variation from these specifications shall require a design exception as described in Chapter 29.64 GJMC, Design Exceptions.

- (1) A maximum of seven homes may access off the loop.
- (2) The minimum loop lane is 16 feet from flowline to flowline and shall consist of a paved surface with roll-over curb and gutter on at least one side and a roll-over curb or vertical curb on the other side.

- (3) No curve on any portion of the flowline of the loop lane shall have an inside radius of less than 33 feet and an outside radius of less than 48 feet.
- (4) No portion of the loop lane shall extend more than 250 feet from the abutting street right-of-way.
- (5) A minimum separation of 66 feet is required between the right-of-way on each side of the loop.
- (6) Four guest-parking spaces, located in the public right-of-way, are required at the end of the loop. The parking area is reserved for guest parking and shall not be used for the parking of residents' vehicles and/or recreation vehicles for more than a 24-hour period.
- (7) The loop lane and parking shall be dedicated to and maintained by the City. The right-of-way shall extend one foot beyond the curb on the park side of the lane and one foot beyond curb on outside edge of the lane.
- (8) A 14-foot multipurpose easement shall be dedicated on the outside edge of the lane. The park may be used for stormwater detention.
- (9) The loop shall provide for two-way traffic.
- (10) "No parking" signs shall be installed and maintained so that no parking is allowed between the curbs on any traveled portion of the loop lane, except the guest parking area.
- (11) Corner lots with frontage on the loop lane and the abutting street shall be required to access from the loop lane only.
- (12) Each residence shall provide and maintain four off-street parking spaces, two of which may be within a garage or carport. No front loading garage or carport may be closer than ~~30~~ 20 feet to the front lot line. ~~Side loading garages or carports may be 25 feet from the front property line.~~ Individual driveways must have a five-foot radius fillet on driveway corners.
- (13) The front yard setback for the house is 15 feet from the right-of-way (16 feet from the curb).
- (14) Lots on the loop lane may be 20 percent smaller and the rear setback can be 10 feet less (10 feet minimum) than as required by the zone district.
- (15) The park shall be owned and maintained by the homeowners' association, subject to any easements.
- (16) No gateways, locked entries or other access constraints are allowed across the loop lane.

(17) A sidewalk is required only where the park abuts a street other than the loop.

(18) The developer shall landscape the park and provide an irrigation system in accordance with the Zoning and Development Code.

The zone/use table in Section 21.04.010 is amended as follows (deletions struck through, additions underlined):

Key: A = Allowed; C = Conditional; Blank Cell = Not Permitted																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																					
USE CATEGORY	PRINCIPAL USE	R- R	R- E	R- 1	R- 2	R- 4	R- 5	R- 8	R- 12	R- 16	R- 24	R- O	B- 1	B- 2	C- 1	C- 2	CSR	M- U	BP	I- O	I- 1	I- 2	MX-	Std.																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																													
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Retail Sales and Service	General Retail Sales, Indoor Operations, Display and Storage												A	A	A	A		A	A	A	A				21.04.030(l)& 21.04.020(r)																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																												

All other parts of the zone/use table in Section 21.04.010 shall remain in effect, unamended hereby.

Introduced on first reading this _____ day of _____, 2019 and ordered published in pamphlet form.

Adopted on second reading this _____ day of _____, 2019 and ordered published in pamphlet form.

ATTEST:

City Clerk

Mayor

CITY OF GRAND JUNCTION, COLORADO

ORDINANCE NO. _____

AN ORDINANCE AMENDING PARTS OF THE ZONING AND DEVELOPMENT CODE TO CLARIFY, SIMPLIFY AND BETTER ORGANIZE TEXT AND ELIMINATE INCONSISTENCIES IN CODE PROVISIONS GOVERNING PLANNED DEVELOPMENTS

Recitals:

The City Council desires to maintain effective zoning and development regulations that implement the vision and goals of the Comprehensive Plan while being flexible and responsive to the community's desires and market conditions and has directed that the Code be reviewed and amended as necessary.

The amendments to the Zoning and Development Code consolidate, eliminate unnecessary repetition and resolve inconsistencies in the two sections of the zoning and development code dealing with planned developments (Section 21.02.150 and Chapter 5 of Title 21). In addition, the amendments allow more flexibility in applicable standards and deviations from straight-zone performance and bulk standards and allow more time for project phasing.

After public notice and public hearing as required by the Grand Junction Zoning and Development Code, the Grand Junction Planning Commission recommended approval of the proposed amendments.

After public notice and public hearing, the Grand Junction City Council finds that the amendments to the planned development zone standards and requirements implement the vision and goals of the Comprehensive Plan while being flexible and responsive to the community's desires and market conditions and encourage orderly development of real property in the City.

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

Section 21.02.140 is amended as follows (additions underlined, deletions struck through):

21.02.140 ~~Code amendment and rezoning~~Rezoning. Rezoning, or changing a property's zoning district, changes the types of uses permitted on a given property and the rules for development of that property. Because a rezoning changes the City's official zoning map, a rezoning may also be referred to as a "map amendment."

(a) **Approval criteria.** ~~In order to maintain internal consistency between this code and the zoning maps, map amendments must only occur if~~ Land, which may consist of a single parcel, multiple parcels or a larger area, may be rezoned if all of the following criteria are met:

- (1) ~~Subsequent events have invalidated the original premises and findings; and/or~~ The subject property is suitable for the proposed zoning classification.

~~(2) The character and/or condition of the area has changed such that the amendment is consistent with the Plan; and/or~~ The proposed zoning classification is consistent with the Comprehensive Plan.

~~(3) Public and community facilities are adequate to serve the type and scope of land use proposed; and/or The City and other service providers will be able to provide adequate public facilities and services to the property, while maintaining adequate levels of service to existing development.~~

~~(4) An inadequate supply of suitably designated land is available in the community, as defined by the presiding body, to accommodate the proposed land use; and/or (5) The community or area, as defined by the presiding body, will derive benefits from the proposed amendment.~~ The proposed zone district is reasonably compatible with the surrounding land uses and environment.

(b) Relevant factors. Factors which may be relevant to determining the foregoing criteria may include the following:

(1) existing uses and zoning of nearby property.

(2) proposed comprehensive plan changes or other property zoning changes in the vicinity.

(3) suitability of the property for uses allowed in the zone district.

(4) compatibility of the uses allowed in the zone district neighboring area.

(6) vacancy or underuse of the property or area.

(7) the condition of the property and the area (such as blight, crowding, geographic or topological conditions, valuable natural features or resources, etc.).

(8) the community need for land zoned in accordance with the proposed zone district or with the present zone district.

(9) promotes infill or redevelopment goals consistent with the Comprehensive Plan.

The foregoing list of factors is intended to provide helpful context to applicants, neighbors, and decision makers, but not to be exhaustive, dispositive or required with respect to any given application or decision. Not all factors will be relevant in every case.

(b) Decision-Maker. Review and decision-making procedures. ~~(1) The Director and Planning Commission shall make recommendations to the City Council and the~~ (2) City Council shall make the final decision. ~~Either the Planning Commission or the City Council may~~

~~add additional property to be considered for a zoning change if such additional property is identified in the notice, in accordance with GJMC 21.02.080(g). (2) An application for rezone of property shall be reviewed and decided in accordance with Section 21.02.080.~~

(c) ~~Application and Review Procedures.~~ Rezone to Mixed Use Opportunity Corridor Form District.

~~(1) Procedure. See GJMC 21.02.080.~~

~~(2) Mixed Use Opportunity Corridors. Residentially zoned property within a Mixed Use Opportunity Corridor designated on the Future Land Use Map in the Comprehensive Plan that are currently zoned for residential purposes may be rezoned to the Mixed Use Opportunity Corridor form district (MXOC) if the property is not also within a Village or Neighborhood Center, or to one of the other form districts of GJMC 21.03.090 if the property is also within a Village or Neighborhood Center, so long as the depth of the lot measured perpendicular to the corridor is at least 150 feet.~~

~~(2) The following factors shall be considered for When considering a rezone to a form district, the City Council shall consider the following:~~

~~(i) The extent to which the rezoning furthers the goals and policies of the Comprehensive Plan; and~~

~~(ii) The extent to which the proposed rezoning would enhance the surrounding neighborhood by providing walkable commercial, entertainment and employment opportunities, as well as alternative housing choices.~~

~~(3) Text Amendment. An application for an amendment to the text of this code shall address in writing the reasons for the proposed amendment.~~

~~(d) Planned Development Zoning. A property may be rezoned to a planned development (PD) zone district in accordance with Chapter 21.05.~~

Section 21.02.150 is deleted in its entirety, as follows (deletions struck through, additions underlined):

21.02.150 [reserved] ~~Planned development (PD).~~

~~(a) **Purpose.** The planned development (PD) district is intended to apply to mixed use or unique single use projects to provide design flexibility not available through strict application and interpretation of the standards established in Chapter 21.05 GJMC. The PD zone district imposes any and all provisions applicable to the land as stated in the PD zoning ordinance. The purpose of the PD zone is to provide design flexibility as described in GJMC 21.05.010. Planned development rezoning should be used when long term community benefits will be derived, and~~

the vision, goals and policies of the Comprehensive Plan can be achieved. Long term community benefits include:

- (1) ~~More efficient infrastructure;~~
- (2) ~~Reduced traffic demands;~~
- (3) ~~More usable public and/or private open space;~~
- (4) ~~Recreational amenities; and/or~~
- (5) ~~Needed housing choices.~~

(b) ~~Outline Development Plan (ODP).~~

(1) ~~Applicability. An outline development plan is required. The purpose of an ODP is to demonstrate conformance with the Comprehensive Plan, and coordination of improvements within and among individually platted parcels, sections or phases of a development prior to the approval of a final plat. At ODP, zoning for the entire property or for each “pod” designated for development on the plan is established. This step is recommended for larger, more diverse projects that are expected to be developed over a long period of time. Through this process, the general pattern of development is established with a range of densities assigned to individual “pods” that will be the subject of future, more detailed planning.~~

(2) ~~Approval Criteria. An ODP application shall demonstrate conformance with all of the following:~~

- (i) ~~The Comprehensive Plan, Grand Junction Circulation Plan and other adopted plans and policies;~~
- (ii) ~~The rezoning criteria provided in GJMC [21.02.140](#);~~
- (iii) ~~The planned development requirements of Chapter [21.05](#) GJMC;~~
- (iv) ~~The applicable corridor guidelines and other overlay districts in GJMC Titles [23](#), [24](#) and 25;~~
- (v) ~~Adequate public services and facilities shall be provided concurrent with the projected impacts of the development;~~
- (vi) ~~Adequate circulation and access shall be provided to serve all development pods/areas to be developed;~~

~~(vii) — Appropriate screening and buffering of adjacent property and uses shall be provided;~~

~~(viii) — An appropriate range of density for the entire property or for each development pod/area to be developed;~~

~~(ix) — An appropriate set of “default” or minimum standards for the entire property or for each development pod/area to be developed;~~

~~(x) — An appropriate phasing or development schedule for the entire property or for each development pod/area to be developed; and~~

~~(3) — Decision-Maker.~~

~~(i) — The Director and Planning Commission shall make recommendations to City Council.~~

~~(ii) — City Council shall approve, conditionally approve or deny all applications for an ODP and accompanying planned development rezoning.~~

~~(4) — Additional Application and Review Procedures.~~

~~(i) — Simultaneous Review of Other Plans. An applicant may file an ODP with a final development plan for all or a portion of the property, as determined by the Director at the preapplication conference.~~

~~(ii) — Density/Intensity. Density/intensity may be transferred between development pods/areas to be developed unless explicitly prohibited by the ODP approval.~~

~~(iii) — Validity. The effective period of the ODP/phasing schedule shall be determined concurrent with ODP approval.~~

~~(iv) — Required Subsequent Approvals. Following approval of an ODP, a subsequent final development plan approval shall be required before any development activity occurs.~~

~~(c) — **Final Development Plan (FDP).**~~

~~(1) — Applicability. The plan and the plat ensure consistency with the approved ODP and specific development and construction requirements of various adopted codes.~~

~~(2) — Approval Criteria. A final development plan application shall demonstrate conformance with all of the following:~~

- (i) ~~The approved ODP, if applicable;~~
- (ii) ~~The approved PD rezoning ordinance, if applicable;~~
- (iii) ~~The Submittal Standards for Improvements and Development, Transportation Engineering Design Standards (GJMC Title [29](#)), and Stormwater Management Manual (GJMC Title [28](#)) manuals and all other applicable development and construction codes, ordinances and policies;~~
- (iv) ~~The applicable site plan review criteria in GJMC [21.02.070\(g\)](#); and~~
- (v) ~~The applicable final plat criteria in GJMC [21.02.070\(s\)](#).~~

~~(3) Decision Maker. The Director shall approve, conditionally approve, or deny all applications for a final development plan.~~

~~(4) Additional Application and Review Procedures.~~

~~(i) Concurrent Review of Subdivision. Unless specified otherwise at the time of ODP approval, if the form of ODP approval was a subdivision plan, a final plat may be approved and recorded prior to final plan approval for individual lots.~~

~~(ii) Review of Covenants. The City Attorney shall review and approve all covenants and restrictions prior to final development plan approval.~~

~~(iii) Notice. Notice of a final development plan is not required unless the Planning Commission elects to take final action. In such instances, notice shall be provided in the same manner and form as is required with an ODP.~~

~~(iv) Form of Final Action. The form of final approval by the Director shall be in the form of a decision letter.~~

~~(5) Recording. Upon final approval, the plat shall be recorded, if applicable, in accordance with GJMC [21.02.070\(u\)](#). The final plat shall, at a minimum, contain all of the following information that is pertinent to the PD: the bulk standards; a list of approved and/or specifically excluded uses; and any pertinent conditions or stipulations that were previously made or imposed.~~

~~(d) **Guarantees for Public Improvements.**~~

~~(1) Except as provided herein, before the plan and plat are recorded by the Director, all applicants shall be required to complete, to the satisfaction of the Director, all street, sanitary, and other public improvements, as well as lot improvements on the individual lots~~

of the subdivision as required by this code. The required improvements shall be those specified in the approved construction plans as per GJMC ~~21.02.070(t)~~; or

~~(2) As a condition of final plan and plat approval, the City shall require the applicant to enter into a development improvements agreement and post a guarantee for the completion of all required improvements as per GJMC 21.02.070(m).~~

~~(e) Amendments to Approved Plans.~~

~~(1) Planned Development Rezoning Ordinance. The use, density, bulk performance and default standards contained in an approved PD rezoning ordinance may be amended only as follows, unless specified otherwise in the rezoning ordinance:~~

~~(i) No use may be established that is not permitted in the PD without amending the rezoning ordinance through the rezoning process. Uses may be transferred between development pods/areas to be developed through an amendment to the ODP provided the overall density for the entire PD is not exceeded;~~

~~(ii) The maximum and minimum density for the entire PD shall not be exceeded without amending the rezoning ordinance through the rezoning process; and~~

~~(iii) The bulk, performance and default standards may not be amended for the PD or a development pod/area to be developed without amending the PD rezoning ordinance through the rezoning process.~~

~~(2) Outline Development Plan. The approved outline development plan may be amended only by the same process by which it was approved, except for minor amendments. Unless the adopted PD rezoning ordinance provides otherwise, the approved outline development plan may be amended as follows:~~

~~(i) Minor Amendments. The Director may approve the following amendments for individual lots within the area covered by an outline development plan provided all standards in the adopted PD rezoning ordinance are met:~~

~~(A) Decreases in density so long as the character of the site is maintained;~~

~~(B) Changes in bulk standards of up to 10 percent so long as the character of the site is maintained;~~

~~(C) Changes in the location and type of landscaping and/or screening so long as the character and intent of the original design are maintained;~~

~~(D) Changes in the orientation or location of parking areas and vehicular and pedestrian circulation areas so long as the effectiveness and character of the overall site circulation, parking and parking lot screening are maintained; and~~

~~(E) The reorientation, but not complete relocation, of major structures so long as the character of the site is maintained.~~

~~(F) Simple subdivision.~~

~~(ii) Minor Amendment Review Process. Such amendments shall be reviewed by the Director using the following review criteria:~~

~~(A) The amendment shall not represent a significant change in any of the agreed upon deviations from the default standards.~~

~~(iii) Major Amendments. All other amendments to the outline development plan shall be reviewed by the Director and Planning Commission using the same process and criteria used for ODP review and approval. Final decision shall be made by City Council.~~

~~(3) Final Development Plan. Amendments to the final development plan may be approved by the Director using the same process and criteria used for outline development plan review and approval. Final development plans must be consistent with the approved outline development plan and rezoning ordinance.~~

~~(f) **Lapse of Plan and Rezone.** If a planned development, or any portion thereof, has not been completed in accordance with the approved development schedule, a "lapse" shall have occurred and the terms of all approved plans for incomplete portions of the PD shall be null and void. If lapse occurs, the property shall be governed by the zoning district applied to the property immediately before the rezoning to PD, or an applicant may request hearing before the Planning Commission at which time a revocation of all prior approvals shall be considered. If the Planning Commission determines that a lapse has occurred, the Director shall record an appropriate legal notice. The Director may initiate, without owner consent, a zoning change on a lapsed PD to another zone district.~~

~~(g) **General Provisions.**~~

~~(1) Contractual Agreement. Approval of a PD allows the development and use of a parcel of land under certain, specific conditions. Conditions of approval shall be filed with the Director in the review process. No use of the parcel, nor construction, modification, or alteration of any use or structures within a PD project shall be permitted unless such construction, modification or use complies with the terms and conditions of an approved final development plan. Each subsequent owner and entity created by the developer, such~~

~~as property owners' associations or an architectural review committee, shall comply with the terms and conditions of approval. The developer shall set forth the conditions of approval within covenants. Such covenants shall be recorded with the final approved plan and plat.~~

~~(2) Transfer of Ownership. No person shall sell, convey, or transfer ownership of any property or any portion thereof within a PD zone until such person has informed the buyer of the property's status with respect to the PD process and conditions of approval. The City shall bear no liability for misrepresentation of terms and conditions of an existing approval.~~

~~(3) Planned Development Zone Designation. The Director shall designate each approved PD on the Official Zoning Map.~~

Chapter 5 of Title 21 is amended as follows (additions are underlined, deletions are struckthrough):

21.05.010 Purpose. A planned development (PD) zone district may be applied where design flexibility is needed for ~~The planned development (PD) zone applies to mixed use or unique single-use projects where design flexibility is desired and is not available through application of the standards of the zone districts established in Chapter~~ 21.03 ~~GJMC~~.

21.05.20 Long-term community benefit. Because the standards and uses of a PD zone may deviate from those established for straight zone districts throughout this Code, PD Planned development zoning should be used only where the proposed development will provide when long-term community benefits that are sufficient to offset the actual or potential effects of deviations from the established standards will be derived and the vision, goals and policies of the Comprehensive Plan can be achieved. The Director shall determine whether substantial community benefits will be derived. Specific benefits that the Director may find that would support a PD zoning include, but are not limited to: The PD zoning ordinance shall set forth the long-term community benefit(s) that justify the deviations from the straight zone standards. Some examples of long-term community benefits are:

(a) ~~More~~more efficient or effective use of infrastructure;

(b) ~~Reduced~~ reduced traffic demands;

(c) A greater quality ~~and or~~ quantity of public ~~and/or private~~ open space; ~~(d) Other and/or other~~ recreational amenities;

(d) ~~(e)~~ Needed types of housing types that are needed in the community and/or mix; a unique and desirable blend of uses or of housing types that could not otherwise be developed together under a single zone district;

(e) ~~(f)~~ Innovative designs; innovative design

(f) ~~(g)~~ Protection protection and/or preservation of natural resources, habitat areas and/or natural features; and/or

(g) ~~(h)~~ Public public art

(h) transportation amenities such as trails, bike or pedestrian amenities, and/or public transit improvements other than those required by the Code

(i) open space, agricultural land reservation or land dedication of 20 percent or greater

(j) community facilities for provision of public services above and beyond those required by the Code

(k) affordable housing for moderate, low and very low income households pursuant to HUD definitions for no less than 20 years

(l) other amenities significantly in excess of minimum standards required by this Code.

21.05.020 Default standards.

The use, bulk, development, improvement and other standards for each planned development shall be derived from the underlying zoning, as defined in Chapter 21.03 GJMC. In a planned development context, those standards shall be referred to as default standards or default zone. The Director shall determine whether the character of the proposed planned development is consistent with the default zone upon which the planned development is based. Deviations from any of the default standards may be approved only as provided in this chapter and shall be explicitly stated in the zoning/rezoning ordinance. The planned development ordinance shall contain a provision that if the planned development approval expires or becomes invalid for any reason, the property shall be fully subject to the default standards.

21.05.030 Minimum district size. The property to be zoned PD must be a minimum of five acres in size, unless a smaller site cannot be developed or re-developed under a straight zone and significant long-term community benefits will be derived. For PD zone districts less than five acres in size, the development must:

(a) be adequately buffered from adjacent residential property,

(b) mitigate adverse impacts on adjacent properties; and

(c) be consistent with the goals and policies of the Comprehensive Plan.

21.05.040 21.05.030 Establishment of uses. ~~(a) — **Uses Allowed.** At the time of zoning a parcel to The PD zoning ordinance shall specify, the City Council shall determine the allowed uses that are allowed in the PD zone district, which must be . Only uses consistent in type and density with the Comprehensive Plan. may be allowed within a PD. The type and density of allowed uses should generally be limited to uses allowed in the default zoning.~~

~~(b) — **Adoption and Modification of Authorized Uses.** The City Council, at the time of establishing a PD zone, shall list uses that are authorized by right or by conditional use permit. All uses, whether by right or conditional use permit, shall be subject to all applicable permit and approval processes established in this code. The rezoning process shall be used to modify the authorized use list for any planned development.~~

21.05.040 Development 21.05.050 PD zone district standards.

~~(a) The PD zoning ordinance shall specify default zone(s) from among the zone districts established in Chapter 21.03 that will be applicable to the PD zone district or to subareas or pods within the district. The PD zoning ordinance shall also set forth any and all use, bulk, performance, development, improvement, density, intensity and other standards for the PD zone district that deviate from those of the default zone(s). The default standards shall apply unless a deviation from that standard is specified in the PD ordinance. **Generally.** Planned development shall minimally comply with the development standards of the default zone and all other applicable code provisions, except when the City Council specifically finds that a standard or standards should not be applied. Planned development shall comply with GJMC 21.02.150.~~

~~(b) **Residential density.** Dwelling unit densities in planned development shall comply with the maximum and minimum densities of the Comprehensive Plan or default zone.~~

~~(c) **Nonresidential Intensity intensity.** A maximum floor area for non-residential development shall be established at the time of planned development approval in the PD zoning ordinance, taking into consideration . In determining the maximum floor area, the Planning Commission and City Council shall consider: (1) — The the intensity of adjacent development; (2) — The demand for and/or mix of residential and nonresidential development in the proposed PD zone district and in the vicinity, of the proposed PD; the available (3) — The availability of transportation facilities, including streets, parking, transit, facilities and bicycle/pedestrian bicycle, pedestrian and other transportation facilities; and the (4) — The adequacy of utilities and public services.~~

~~(d) **Mixed Use Intensity use intensity.**~~

~~(1) In For mixed use developments development in an area areas designated for residential development in the Comprehensive Plan, no more than 10 percent of the land area may be dedicated to nonresidential uses.~~

(2) For mixed use development in an area ~~The maximum residential densities within mixed use developments designated for nonresidential development in the Comprehensive Plan, residential density shall not exceed 24 dwelling units per acre and. In such developments, residential uses shall not constitute more than 75 percent of total floor area.~~

~~(e) **Minimum District Size.** A minimum of five acres is recommended for a planned development unless the Planning Commission recommends and the City Council finds that a smaller site is appropriate for the development or redevelopment as a PD. In approving a planned development smaller than five acres, the Planning Commission and City Council shall find that the proposed development:~~

~~(1) Is adequately buffered from adjacent residential property;~~

~~(2) Mitigates adverse impacts on adjacent properties; and~~

~~(3) Is consistent with the goals and policies of the Comprehensive Plan.~~

~~(f) **Development Standards.** Planned development shall meet the development standards of the default zone or the following, whichever is more restrictive. Exceptions may be allowed only in accordance with this section.~~

~~(1) **Setback Standards.** Principal structure setbacks shall not be less than the minimum setbacks for the default zone unless the applicant can demonstrate that:~~

~~(i) Buildings can be safely designed and that the design is compatible with lesser setbacks. Compatibility shall be evaluated under the International Fire Code and any other applicable life, health or safety codes;~~

~~(ii) Reduced setbacks are offset by increased screening or primary recreation facilities in private or common open space;~~

~~(iii) Reduction of setbacks is required for protection of steep hillsides, wetlands or other environmentally sensitive natural features.~~

~~(2) **Open Space.** All residential planned developments shall comply with the minimum open space standards established in the open space requirements of the default zone.~~

~~(3) **Fencing/Screening.** Fencing shall comply with GJMC [21.04.040\(i\)](#).~~

~~(4) **Landscaping.** Landscaping shall meet or exceed the requirements of GJMC [21.06.040](#).~~

~~(5) **Parking.** Off-street parking shall be provided in accordance with GJMC [21.06.050](#).~~

~~(6) Street Development Standards. Streets, alleys and easements shall be designed and constructed in accordance with TEDS (GJMC Title 29) and applicable portions of GJMC 21.06.060.~~

~~(g) Deviation from Development Default Standards. The Planning Commission may recommend that the City Council deviate from the default district standards subject to the provision of any of the community amenities listed below. In order for the Planning Commission to recommend and the City Council to approve deviation, the listed amenities to be provided shall be in excess of what would otherwise be required by the code. These amenities include:~~

~~(1) Transportation amenities including, but not limited to, trails other than required by the multimodal plan, bike or pedestrian amenities or transit oriented improvements, including school and transit bus shelters;~~

~~(2) Open space, agricultural land reservation or land dedication of 20 percent or greater;~~

~~(3) Community facilities for provision of public services beyond those required for development within the PD;~~

~~(4) The provision of affordable housing for moderate, low and very low income households pursuant to HUD definitions for no less than 20 years; and~~

~~(5) Other amenities, in excess of minimum standards required by this code, that the Council specifically finds provide sufficient community benefit to offset the proposed deviation.~~

~~21.05.050 Planned development phases.~~

~~(a) Transfer of Ownership. No developer, owner or agent thereof shall sell, convey or otherwise transfer ownership of any planned development that has not been finally approved until such person has informed the buyer, in writing, of the property's exact status with respect to the planned development process and conditions of approval, if any. The City shall bear no liability for misrepresentation or failure to disclose terms and conditions by the owner or agent.~~

21.05.060 Lapse zone. A PD zoning ordinance shall specify one or more zones which shall apply to the property in the event of lapse as defined in Section 21.05.120.

21.05.070 Recordation. In order to ensure that purchasers of property within a PD zone district are aware of the applicable standards for land use and development therein, the PD zoning ordinance shall be recorded in the land records of Mesa County at the applicant's expense.

~~(b) **21.05.080 Outline Development Plan (ODP).** To establish the long-term community benefits, An outline development plan (ODP) is required. The purpose of an ODP is to demonstrate conformance with the Comprehensive Plan and compliance with this Chapter, and~~

to ensure compatibility of land use(s) and coordination of improvements within and among individually-platted parcels, sections or phases of a development, an outline development plan (ODP) is required for every PD zone district prior to the approval of an ODP. Zoning for the entire property or for each development "pod" is established at ODP. With an ODP, the pattern of development is established with densities assigned to individual "pods," which shall be the subject of future, more detailed planning. The ODP must be approved simultaneously with the adoption of a PD zoning ordinance.

(a) **Approval criteria.** The outline development plan must demonstrate (1) conformance with the Comprehensive Plan, the rezoning criteria in Section 21.02.140, and the requirements of this Chapter; (2) that adequate public services and facilities will be available or provided concurrently with the projected impacts of the development; (3) adequate circulation and access; (4) appropriate screening and buffering of uses within and adjacent to the subject property; (5) appropriate density ranges for each area or pod within the development; (6) compliance with the default standards or those set forth in the PD zoning ordinance.

(b) The ODP shall set forth an appropriate phasing or development schedule for the entire planned development.

(c) ~~**Signage.** No sign shall be allowed on properties in a planned development zone unless the sign has been approved as part of the final development plan. Variance of the maximum total surface area of signs shall not be permitted, but the maximum sign allowance for the entire development or use may be aggregated and the total allowance redistributed. See GJMC 21.06.070 for sign regulations.~~

(d) **21.05.090 Final Development Plan.** The A final development plan and/or the subdivision plat are necessary to is required before any development of the property occurs. No use of the parcel, nor construction, modification, or alteration of any use or structures within a PD project shall be permitted unless such construction, modification or use complies with the terms and conditions of an approved final development plan.

(a) Approval criteria. The final development plan shall demonstrate that all development in the PD zone district is consistent consistency with the PD zoning ordinance, the ODP, the Transportation Engineering Design Standards (Title 29), Stormwater Management regulations (Title 28) and all other applicable development and construction regulations, the applicable site plan review and final plat review criteria, approved outline development plan, specific development requirements and construction requirements. See GJMC 21.02.150(c). The applicant shall be required to construct and post guarantees for public improvements serving or necessitated by the development in accordance with Sections 21.02.070(t) and 21.02.070(m).

(b) If the development includes subdivision of lots, the plat shall be recorded with a plan that contains all of the bulk and performance standards and uses that deviate from those of the default zone, and any other pertinent conditions of the PD ordinance or ODP.

(c) If so determined by the Director in his/her discretion, an ODP and final development plan may be reviewed simultaneously.

(d) Density/intensity may be transferred between development pods/areas to be developed unless prohibited by the express terms of the ODP.

(e) Because development and use of land within a PD zone district are governed by specific conditions, covenants shall be recorded running with the land which sets forth, reflect and comply with those specific conditions. Such covenants shall be recorded with the final development plan and/or subdivision plat(s).

21.05.100 Process and decision-making. The Director and Planning Commission shall make recommendations to the City Council, who shall decide all applications for a PD zone district and for approval of an ODP. The Director shall decide all final development plans and/or subdivision plats for property within a PD zone district. For purpose of this paragraph, “decide” means to approve, approve with conditions, or deny.

21.05.110 Amendments. All development must comply with the use, density, bulk, performance and default standards set forth in the PD zoning ordinance. A PD zoning ordinance, outline development plan and/or final development plan may be amended by the same process and using the same criteria with which it was approved.

(a) Minor Amendments. The Director may approve the following minor amendments for individual lots or pods within the PD zone district, provided it does not represent a significant change to the applicable standards:

(1) Decreases in density so long as the character of the site is maintained;

(2) Changes in bulk standards of up to 10 percent so long as the character of the site is maintained;

(3) Changes in the location and type of landscaping and/or screening so long as the character and intent of the original design are maintained;

(4) Changes in the orientation or location of parking areas and vehicular and pedestrian circulation areas so long as the effectiveness and character of the overall site circulation, parking and parking lot screening are maintained; and

(5) The reorientation, but not complete relocation, of major structures so long as the character of the site is maintained;

(6) Simple subdivision;

(7) Changes to the project phasing that does not extend the overall project deadline.

21.05.120 Lapse of Plan and Rezone. If a planned development has not been completed in accordance with the approved development schedule, a “lapse” shall have occurred and the terms of all approved plans for incomplete portions of the PD shall be null and void. In the event of a lapse, and without any further action or rezone, the property shall be governed by the lapse zone(s) specified in the PD zoning ordinance. Any subsequent development of the property shall be subject to and shall comply with the standards and requirements applicable to the lapse zone(s).

Introduced on first reading this _____ day of _____, 2019 and ordered published in pamphlet form.

Adopted on second reading this _____ day of _____, 2019 and ordered published in pamphlet form.

ATTEST:

City Clerk

Mayor